

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

EAST KENTUCKY POWER)	
COOPERATIVE, INC.)	
_____)	
ALLEGED FAILURE TO COMPLY WITH)	CASE NO. 2007-00404
KRS 278.042)	

O R D E R

East Kentucky Power Cooperative, Inc. ("EKPC") is an electric generating and transmission cooperative organized under KRS Chapter 279. Pursuant to KRS 279.210(1), EKPC is "subject to the general supervision" of the Commission and is "subject to all provisions of KRS 278.010 to 278.450 inclusive, and KRS 278.990." Pursuant to KRS 278.042, the Commission shall prescribe the service adequacy and safety standards for electric utilities, as stated in the Commission's administrative regulations and in the most recent edition of the National Electrical Safety Code ("NESC").

Commission Staff submitted to the Commission a Utility Incident Report ("Report") dated August 22, 2007, attached hereto as Appendix A. The Report alleges that, on June 11, 2007, in Winchester, Clark County, Kentucky, Willie Ray Williams was injured while loading transmission poles in the EKPC pole yard.

EKPC had contracted with Irby Construction Company, Inc. ("Irby Construction") to load and transport poles for a job in Inez, Martin County, Kentucky. Mr. Williams was

an employee of Irby Construction and was part of a 4-man crew that worked on loading the poles.

At the time of the accident, Mr. Williams was operating the truck-mounted crane when the steel sling failed, which allowed an 80-foot, Class 1 pole to strike Mr. Williams on the head, causing severe injuries. The Report points out that the sling being used as a choker to lift the pole was not strength-rated for the load being lifted. The pole being lifted weighed approximately 5,200 pounds per EKPC's summary report. The rating tag on the steel sling that failed in this accident states that the sling being used as a choker is rated at 1.6 tons (3,200 pounds).

The Report noted three probable violations of KRS 278.042. All violations arise under the 2007 edition of the NESC. The alleged violations are as follows:

1. NESC Section 42, Rule 421-A-1: Duties of First Level Supervisor or Person in Charge to [A]dopt such precautions as are within the individual's authority to prevent accidents.

2. NESC Section 42, Rule 421-A-2: Duties of First Level Supervisor or Person in Charge to [S]ee that the safety rules and operating procedures are observed by the employees under the direction of this individual.

3. NESC Section 42, Rule 421-A-5: Duties of First Level Supervisor or Person in Charge to [P]rohibit the use of tools or devices unsuited to the work at hand or that have not been tested or inspected as required.

The Commission, on its own motion, HEREBY ORDERS that:

1. EKPC shall file with the Commission, within 20 days of the date of this Order, a written response to the allegations contained in the Report.

2. EKPC shall appear on January 8, 2008 at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, to present evidence concerning the incident which is the subject of the Report. Specifically, EKPC shall present evidence as to the three alleged violations of KRS 278.042 and the NESC and show cause why it should not be subject to the penalties of KRS 278.990 for the alleged violations.

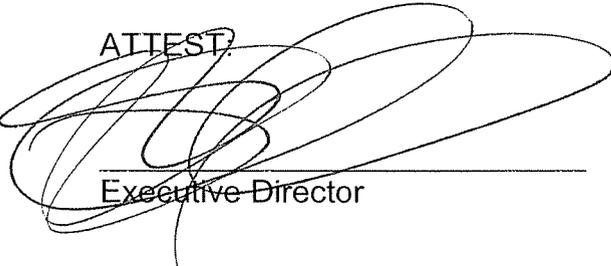
3. The Report, attached hereto as Appendix A, is made a part of the record in this case.

4. Any request for an informal conference with Commission Staff shall be set forth in writing and filed with the Commission within 20 days of the date of this Order.

Done at Frankfort, Kentucky, this 24th day of October, 2007.

By the Commission

ATTEST



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2007-00404 DATED October 24, 2007



Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

Utility: East Kentucky Power Cooperative

Reported By: Vernon Shearer, Safety Supervisor

Incident Occurred: 6-11-07, Approximately 12:45 PM

Utility Notified: 6-11-07, Approximately 12:45 PM

PSC Notified: 6-11-07, Approximately 1:35 PM

PSC Investigated: 6-11-07, Approximately 2:30 PM

Report Received: 6-15-07, Approximately 2:36 PM

Incident Location: East Ky. Power Coop. Pole Yard, Winchester, Ky. (Clark County)
(4775 Lexington Road)

Incident Description: A contract crew with Irby Construction Company, working for East Kentucky Power Cooperative, was loading transmission poles in the Kentucky Power Cooperative pole yard in Winchester, Kentucky when a steel sling they were using to attach the winch line to the poles failed. The victim, Willie Ray Williams (Foreman), was operating the lift truck when the steel sling failed and this allowed the 80 foot, Class 1 pole to strike Mr. Williams on the head causing severe injuries. Mr. Williams was flown to the University of Kentucky Medical Center for treatment of his injuries.

It appears that the sling being used as a choker to lift the pole was not strength rated for the load being lifted. The pole being lifted weighs approximately 5200 lbs. per East Kentucky Power's summary report. The rating tag on the steel sling that failed in this accident states that the sling being used as a choker is rated at 1.6 tons, (3200 lbs.).

<u>Victim:</u>	<u>Name:</u>	<u>Address:</u>	<u>Employer:</u>
	Willie Ray Williams (Foreman)	Unknown	Irby Construction

Age: 46 Fatality: No

Injuries: Head struck by pole.

<u>Witnesses:</u>	<u>Name:</u>	<u>Address:</u>	<u>Employer:</u>
	Lanny Griffin	Irby Construction	Irby Construction
	Lanny Griffin, II	Irby Construction	Irby Construction
	Lynn Menard	Irby Construction	Irby Construction

<u>Information From:</u>	<u>Name:</u>	<u>Position:</u>	<u>Employer:</u>
	Vernon Shearer	Safety Supervisor	East Ky. Power
	Mike Willoughby	Safety Coordinator	East Ky. Power
	Greg Berry	Safety Director	Irby Construction

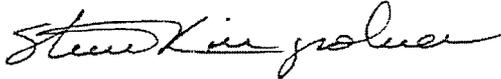
Probable Violations: KRS 278.042 Service Adequacy and Safety Standards

NESC

1. Section 42: (421-A-1) Duties of First-Level Supervisor or person in Charge.
2. Section 42: (421-A-2) Duties of First-Level Supervisor or person in Charge.
3. Section 42: (421-A-5) Duties of First-Level Supervisor or person in Charge.

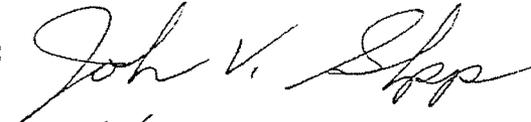
Temp & Weather: Clear and approximately 80 Degrees

Investigated By: _____ Name: Steve Kingsolver Company: PSC
Utility Regulatory and Safety Investigator

Signed: 

Date: 8-23-07

Reviewed By: _____ Name: John Shupp Company: PSC
Manager, Electric Branch

Signed: 

Date: 8/23/07

Attachments: A. Utility Incident Report and Photographs
B. KPSC Photographs of Accident Site
C. Text of Cited Violations

(FOR ATTACHMENTS SEE ATTACHED CD)

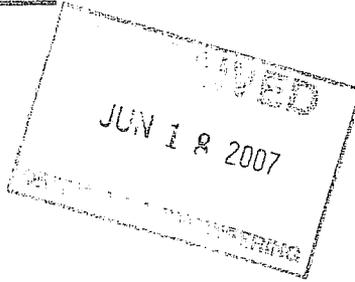
Attachment A

Utility Incident Report and Photographs



EAST KENTUCKY POWER COOPERATIVE

June 14, 2007



Steve Kingsolver
Public Service Commission
Post Office Box 615
211 Sower Blvd
Frankfort, Kentucky 40602

RECEIVED

JUN 18 2007

PUBLIC SERVICE
COMMISSION

Re: East Kentucky Power Cooperative (EKPC) Accident
D.O.L. – **June 11, 2007**

Dear Mr. Kingsolver:

In accordance with the Commission’s Regulation 807 KAR5:006, Section 26, this letter serves as a summary written report of an accident which occurred on **June 11, 2007** and involved a **contractor employee**. The details of the accident are outlined below:

Date, Time & Location of Accident

Monday, 06/11/07 – Approximately 12:45 p.m.
East Kentucky Power Cooperative, Winchester, KY, Clark Co.
Reported to EKPC HQ – 06/11/07 approximately 12:45 p.m.

Reported to Commission

June 11, 2007 – approximately 1:34 p.m. by phone call to Steve Kingsolver at the Public Service Commission.

Injured Contractor Employee

Willie Ray Williams

Contractor Witnesses

Lanny Griffin, Lanny Griffin, II, Lynn Menard

These employees’ addresses and phone numbers are available through IRBY Construction at:

**817 South State Street
Jackson, MS 39201-5908
(601) 709-IRBY (4729)
Fax (601) 948-8988**

4775 Lexington Road 40391
P.O. Box 707, Winchester,
Kentucky 40392-0707

Tel. (859) 744-4812
Fax: (859) 744-6008
<http://www.ekpc.com>

Letter to Steve Kingsolver
Page Two
June 14, 2007

EKPC Employees assisting in rescue

Mike Varner, Earl Dickerson, Ronnie Parker, Britten Carter, Paul Rose, and Barry Baber

These employees' addresses and phone numbers are available through East KY Power Cooperative at:

**4775 Lexington Road
Winchester, KY 40391
(859) 744-4812
Fax (859) 744-6008**

Description of Accident

On June 11, 2007, at the East Kentucky Power pole yard facilities in Clark County, Kentucky, a 4-man crew for Irby Construction was loading poles for a job in Inez, Kentucky. While loading an 80', class 1 pole (approx. 5,200 lbs.) the cable sling around the pole broke allowing the pole to fall on Mr. Williams. Several of East Kentucky's employees heard the accident and heard the Irby employees calling for help and responded. First Aid care was administered until ambulance and helicopter arrived. Mr. Williams was airlifted to UK Medical Center.

If you have any questions, please let me know. Additional requested information will be sent as it is received.

Sincerely,



Vernon Shearer
Corporate Safety and Compliance Supervisor

/da

c: Bob Marshall, John Twitchell, Stacy Barker, David Smart, Dave Eames, Jim Lamb, and Steve McClure

I was in warehouse B and I heard someone yell that somebody had been hurt outside. When I got outside people were running toward the pole yard. Once there Earl and Mike (Earl Dickerson & Mike Varner) were already there and the guy that was hurt was slumped over against the crane controls. He started to fall and I helped Mike and Earl get him down to the ground.

Ronnie D. Parker

Ronnie Parker

First I heard Mike Varner yell that he needed help because someone was hurt. We ran to the truck and Mike was checking for the hurt man's pulse. He couldn't find one so we helped get him down onto the ground. After that I went to the front gate.

Britten Carter

Britten Carter

On June 11th around 1:00pm there was a loud noise where there was some work going on in the pole yard. One of the contractors came running in and I told Steve Hallon to call 911. I ran to the trailer and picked up the AED as I was running to the scene.

I found Ray slumped over the controls. Earl, Ronnie, Britten and I (Earl Dickerson, Ronnie Parker, Britten Carter and Mike Varner) removed him from the truck and turned him on his side to clear his airway, one of his co-workers assisted us. When the EMTs arrived they took over the scene.

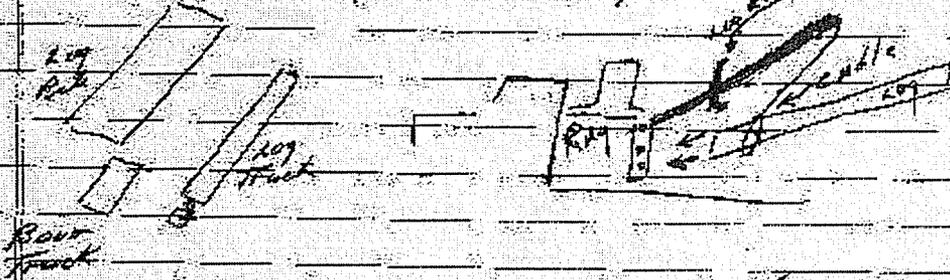
Mike Varner

Mike Varner

(2:45)

June 21-07
Lynn Menard

Ray Spotted Boom truck at end of the Log Cab
Hamm Spotted Log-trailer at any side.



He said we will use this cable!
note- same cable that was used to remove
Log from Truck that morning.

at first cable was placed about 20-30 ft
back from end of Log.

This time cable was about 10-15 ft
from end. Ray tried once Log slipped
any Sway over head! He tried again - putting
more power to the winch Log was above
him at about 30° angle cable broke

Log went forward - Driving his head into
the controls. His Body was Head up
Ray his head made into the control lever's.
The other men went 'Aa - Help!' & soon - No
signs of life.

Note if Ray makes it. It was do to the use of
cable - Phoe's

ON 6/12/07

Around 12:45 I was standing on the back of float - g-lotted while Ray Williams was loading poles - on the 7th pole he was having trouble getting pole in position he wanted. Because it was so heavy, he picked it up trying to draw pole in with boom, it was hung between poles at the end and when he pulled boom in the pole slipped or swung over his head he ducked down behind controls when it stopped swinging the pole was still ^{"above"} over his head, he then tried picking the whole pole up to get small end on track. He had both of pole over his head with pole on cross bar too long, cable was around 15 feet down from both, he tried picking up pole off the ground completely and did, had it up and cable snapped he ~~ducked~~ ducked or leaned forward over controls looked with his head turned to the right at me with a scared look on his face for a ^{split} ~~split~~ second, pole dropped on side of boat direct contact, mashed his head into controls. pole dropped directly to the ground, Ray arms ~~went~~ fell to his side swinging, he was ~~then~~ leaned over controls still standing on his feet. head mashed in controls with his eyes wide open and mouth wide open, flailing "Aa!" from the mouth. I ran to two men standing outside of building and ask for them to call for help.

6/12/07

Larry Griffin

A brief description of the Pole Yard Accident at EKPC on 6/11/07

When I arrived an accident had just occurred at the EKPC Pole Yard. I and Mike Varner found a young man at the controls of the Crane truck in a crouched position that looked to have had severe trauma to the head due to the massive internal bleeding that was coming from his mouth. Mike and I both were not able to find a pulse, and at this time we thought that he had already passed on. I then made the suggestion to bring him to the ground. We could not see that there was any way of performing CPR due to what was coming from the mouth area because of the internal bleeding. Once on the ground we saw some movement from the body and then it looked like he was starting to choke because of the massive internal bleeding that was still coming from his mouth. We then rolled him to his side and large amount of blood and stuff came from his mouth and he then started breathing and coughing on his own but was still bleeding badly. We tried to encourage the young man to hang with us and that help was on the way. The EMT's were soon there to take over.

I had not mentioned that at the beginning 911 had already been called. Then once I and Mike arrived I had some one to call Vernon Shearer and Mike Willoughby so that they could call the proper people to make them aware of what is happening, while we tried to do as much as we could for the Young Man.

Earl Dickerson

East Kentucky Power

Bardstown Service Center Supervisor

I was in warehouse B when someone yelled that they needed help out here. I saw Mike Varner running toward the pole yard with an AED. Some other guys and me ran over to the pole yard and saw the guy still on the crane all slumped over the controls and quite a bit of blood. Mike or Earl (Earl Dickerson) one checked him for a pulse, he did not seem to be breathing. They (Mike & Earl) said go get more gloves. I ran and got some gloves. When I got back, they had him down and I saw him trying to breathe. EMS arrived shortly thereafter.

Paul Rose 6-13-07

Paul Rose

I was in warehouse B working on a filter rig when Mike Varner ran back in and yelled for help while he was getting the AED. Mike said a pole had fallen on a guy in the pole yard. Paul Rose and I ran out to the pole yard as the guy slid off the boom controls and about fell off the truck. Mike said we needed more latex gloves, so Paul and I ran back to warehouse B to get some. by the time we got back the guy was on the ground on his side. I then went to get Mike Willoughby, after that I went up to the gate to stop traffic so the helicopter could land.

Barry Baber

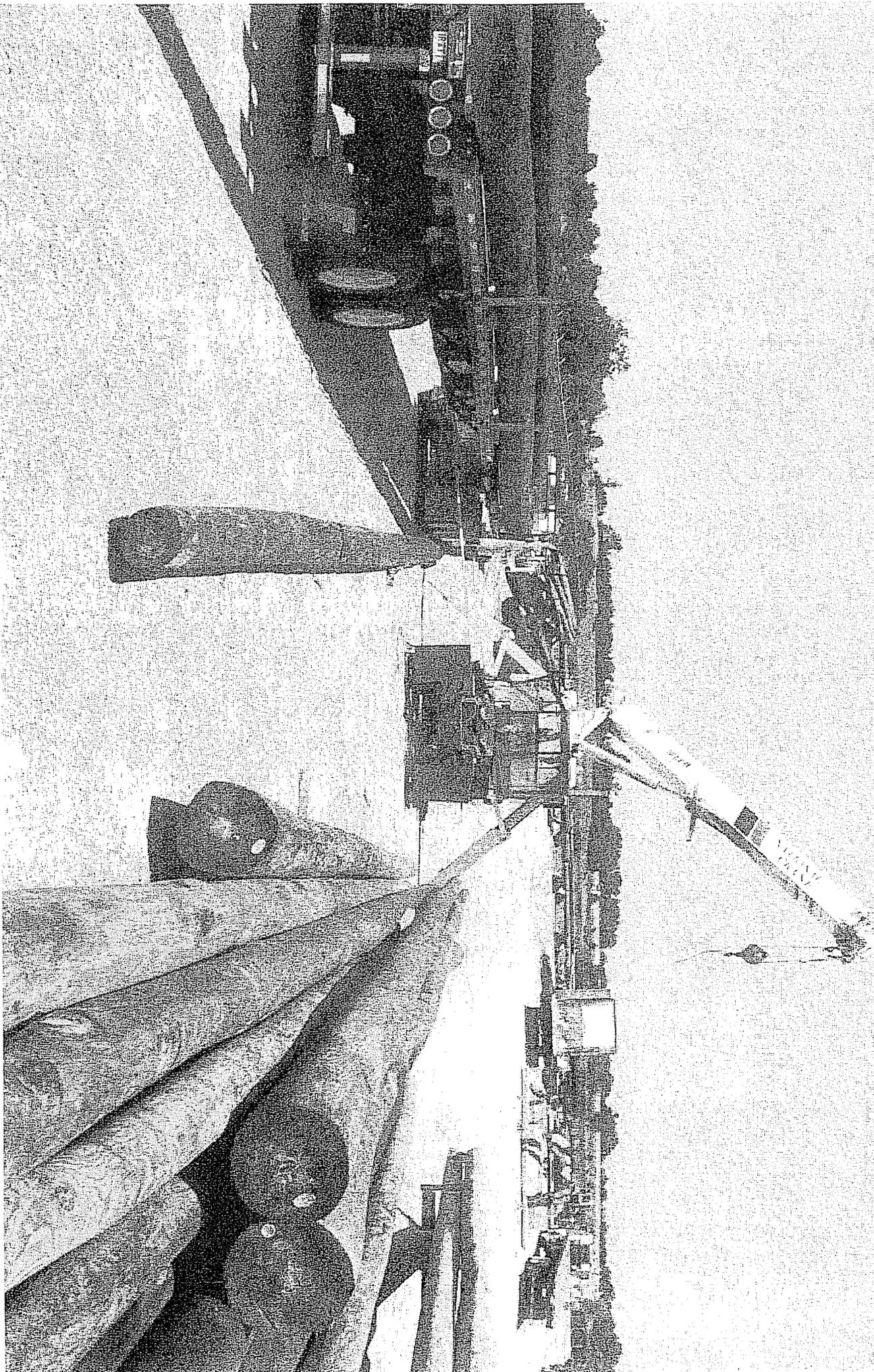
Barry Baber

6-11-07 EKPC Williams Accident-Contractor

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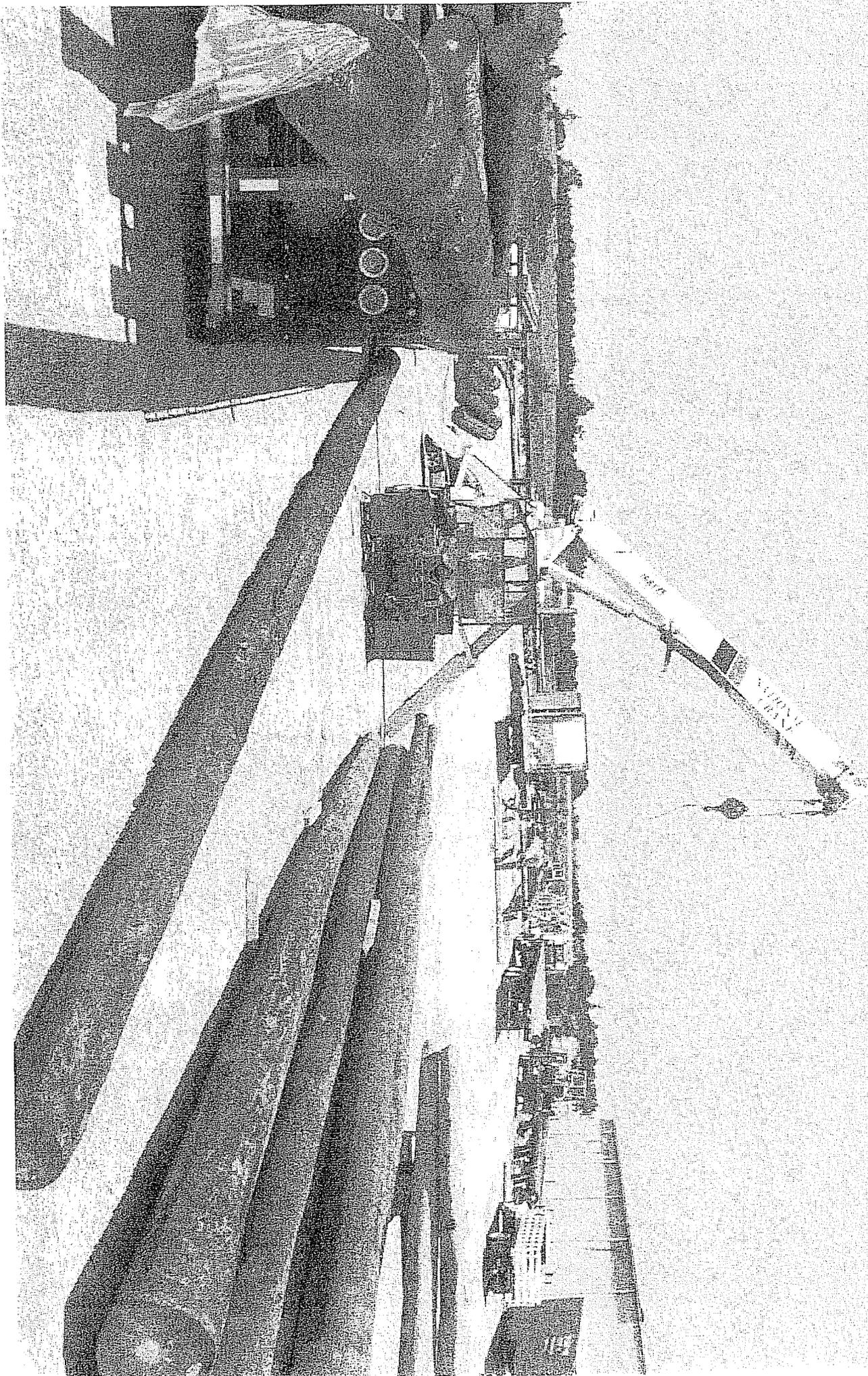
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6/11/07/Erkpc/Williams/Accident/Comp/actor



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SAFETY/07/EKPC/Williams Accident/0109/0109

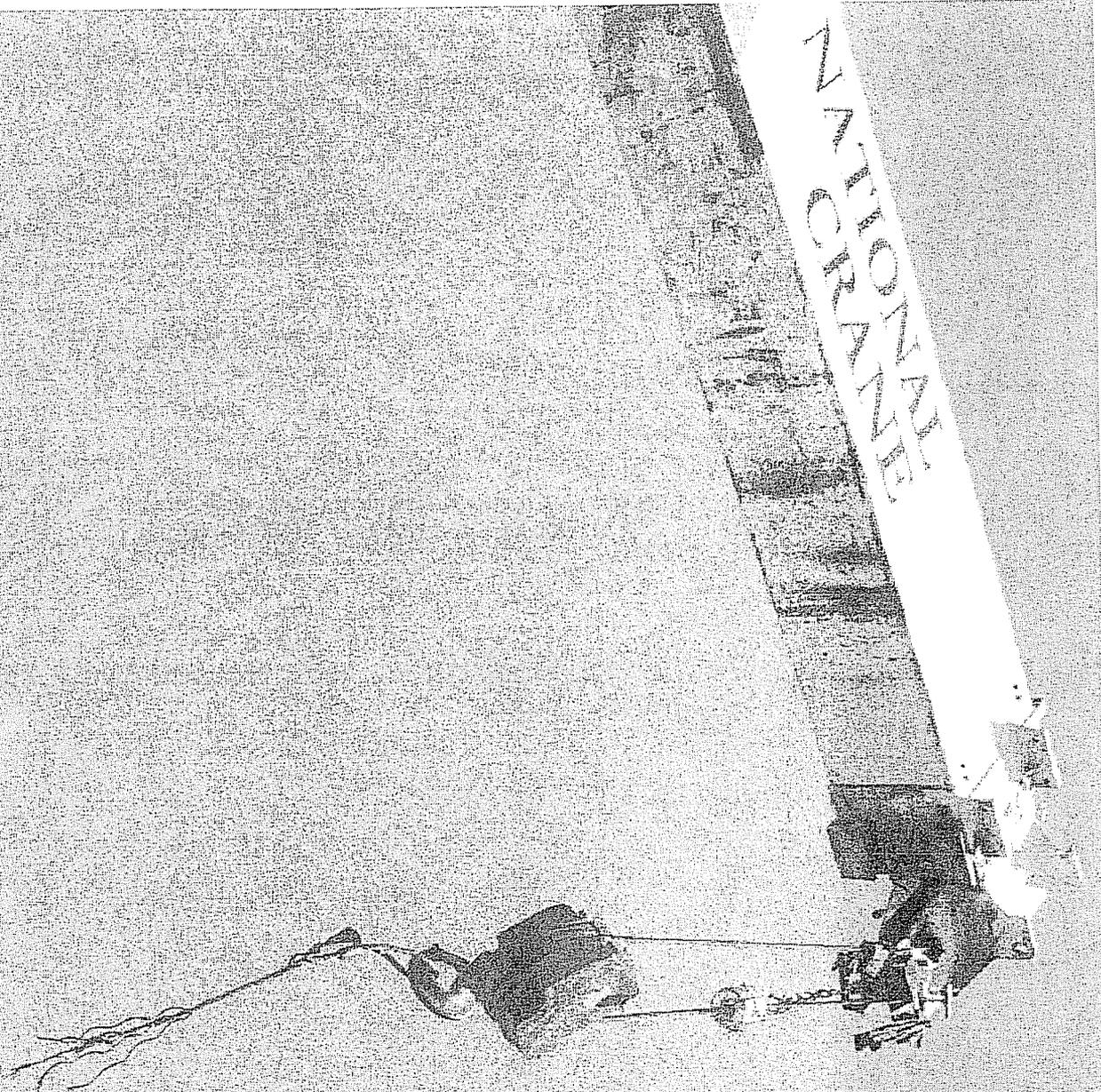


6-11-07 EKPOVHIT



6-11-2007 2:32:00 PM





6-11-07 EKPC Williams Accident-Contractor

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6-11-07 EKPC Williams Accident-Contractor

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6-11-07 EKPC Williams Accident-Contractor

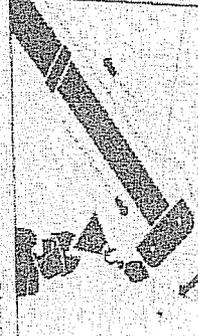
NATIONAL CRANE CORPORATION

**ELECTROCUTION HAZARD
THIS CRANE IS NOT INSULATED
WILL RESULT IN DEATH OR SERIOUS
OR FATAL INJURY. OPERATOR
MUST WEAR PROTECTIVE GEAR AND
STAY CLEAR OF ELECTRICAL PARTS
WHEN MAINTAINING OR REPAIRING
THE CRANE.**

**YOU MUST NOT OPERATE
THIS CRANE UNLESS**

- You have been trained in the safe operation of this crane.
- You read and understand and follow the safety and operating instructions contained in the crane's manual and the applicable safety-related regulations.
- You are qualified to perform the duties and other safety-related duties of a crane operator.

**UNTRAINED OPERATOR
SUBJECTS HIMSELF AND
OTHERS TO**



**FAILURE TO OBEY THE FOLLOWING
WILL RESULT IN**

- Death or serious injury.
- Personal injury, disability, or death.
- Property damage.
- Crane damage.
- Operational downtime and associated costs.
- Loss of reputation.
- Loss of income.
- Loss of license.
- Loss of job.
- Loss of freedom.
- Loss of life.

**FAILURE TO OBEY THE FOLLOWING
WILL RESULT IN**

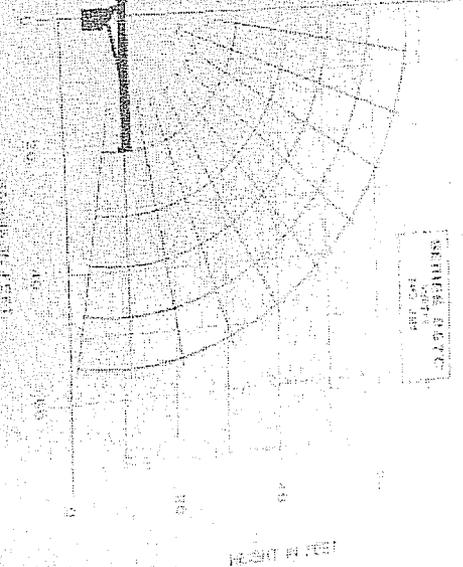
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- Loss of job.
- Loss of freedom.
- Loss of life.



LOAD RATING	1 PART LINE	2 PART LINE	3 PART LINE	4 PART LINE	5 PART LINE
1000	100	150	200	250	300
800	120	180	240	300	360
600	150	225	300	375	450
400	200	300	400	500	600
200	400	600	800	1000	1200

NOTICE

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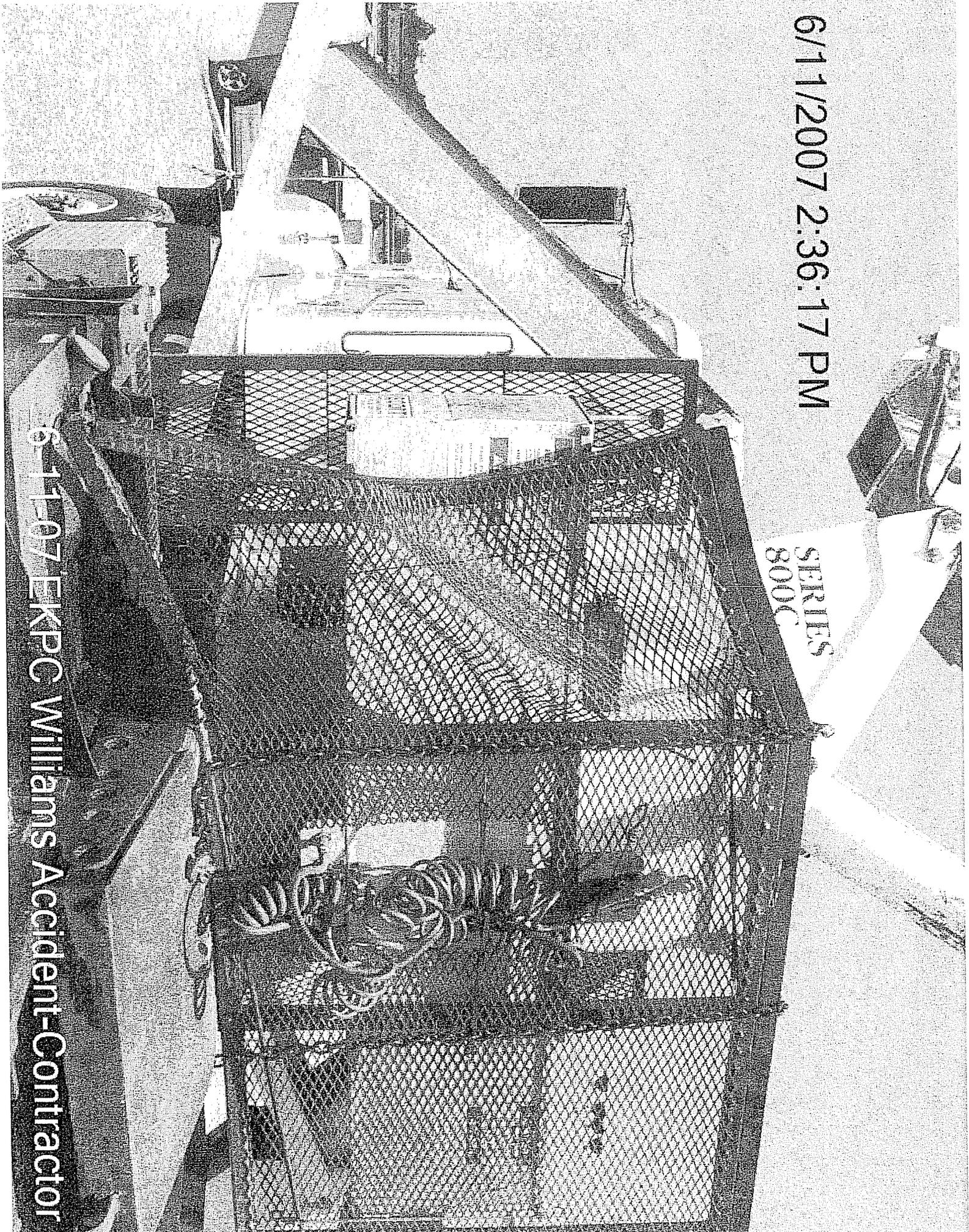


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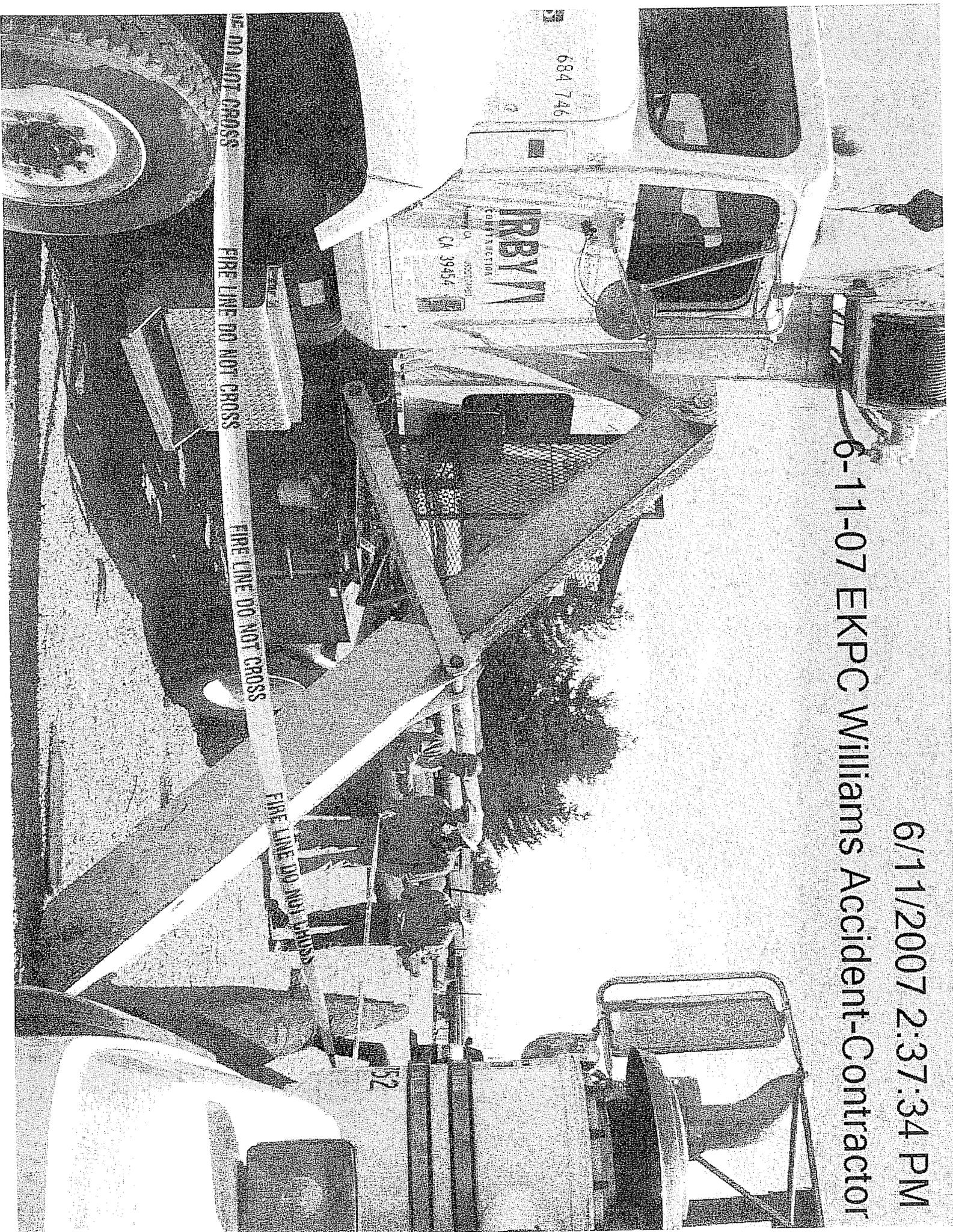


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6-11-07 EKPC Williams Accident-Contractor



Absolute Performance...

FRIBBY

CONSTRUCTION

Brawley, CA

USDOT 089613

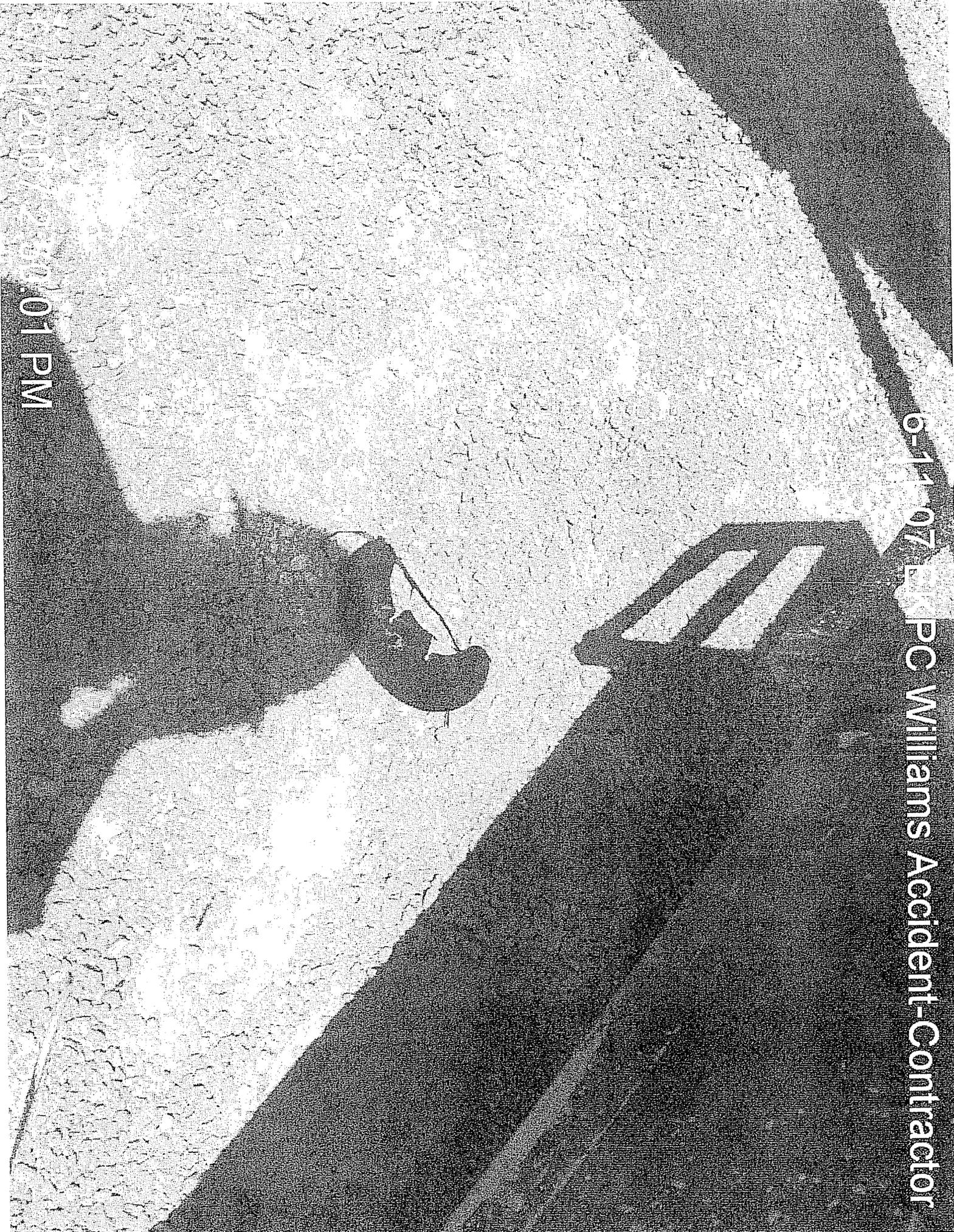
CA 39454

FIRST AID KIT | FIRE EXTINGUISHER
INSIDE

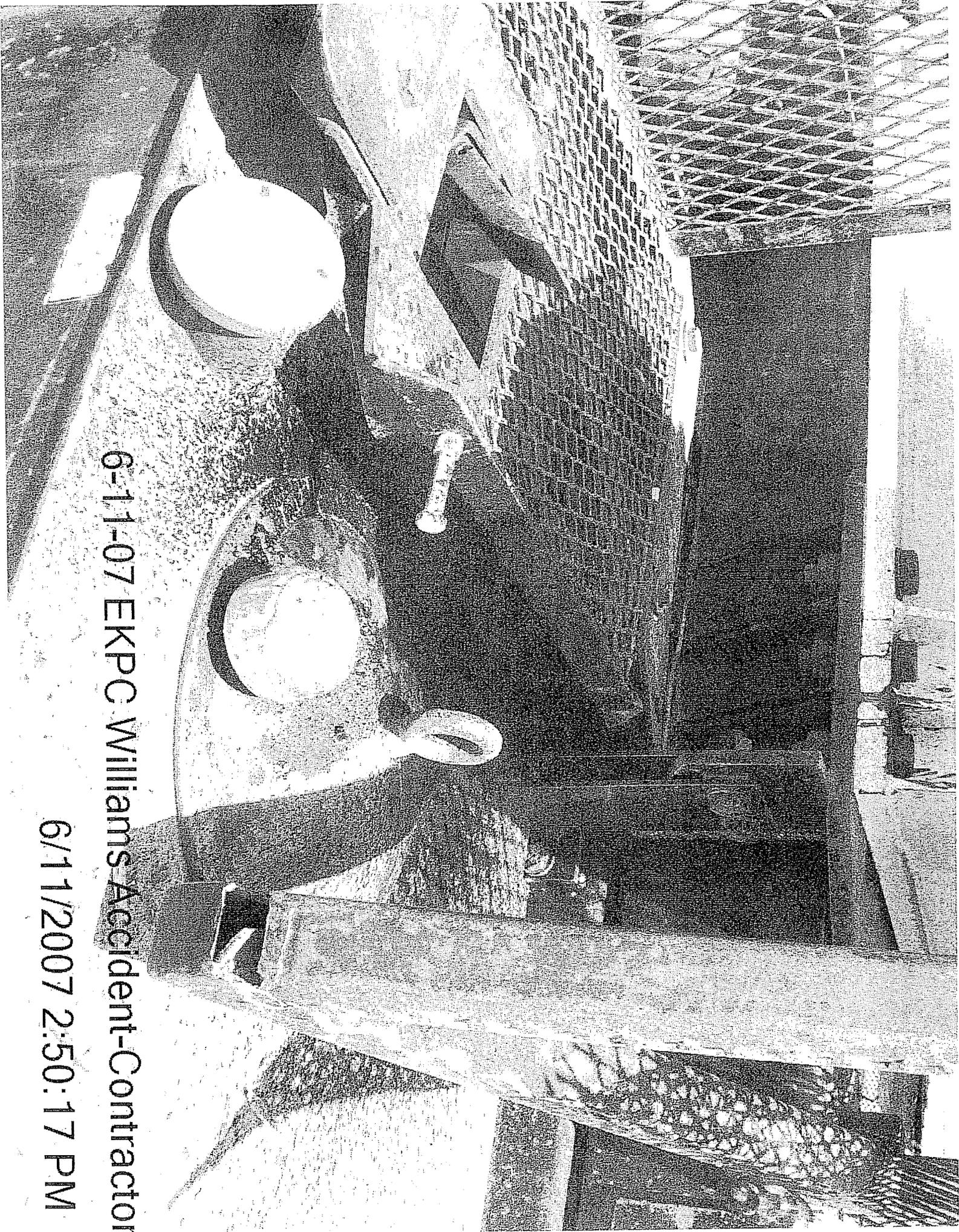
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6-14-07 E&PC Williams Accident-Contractor



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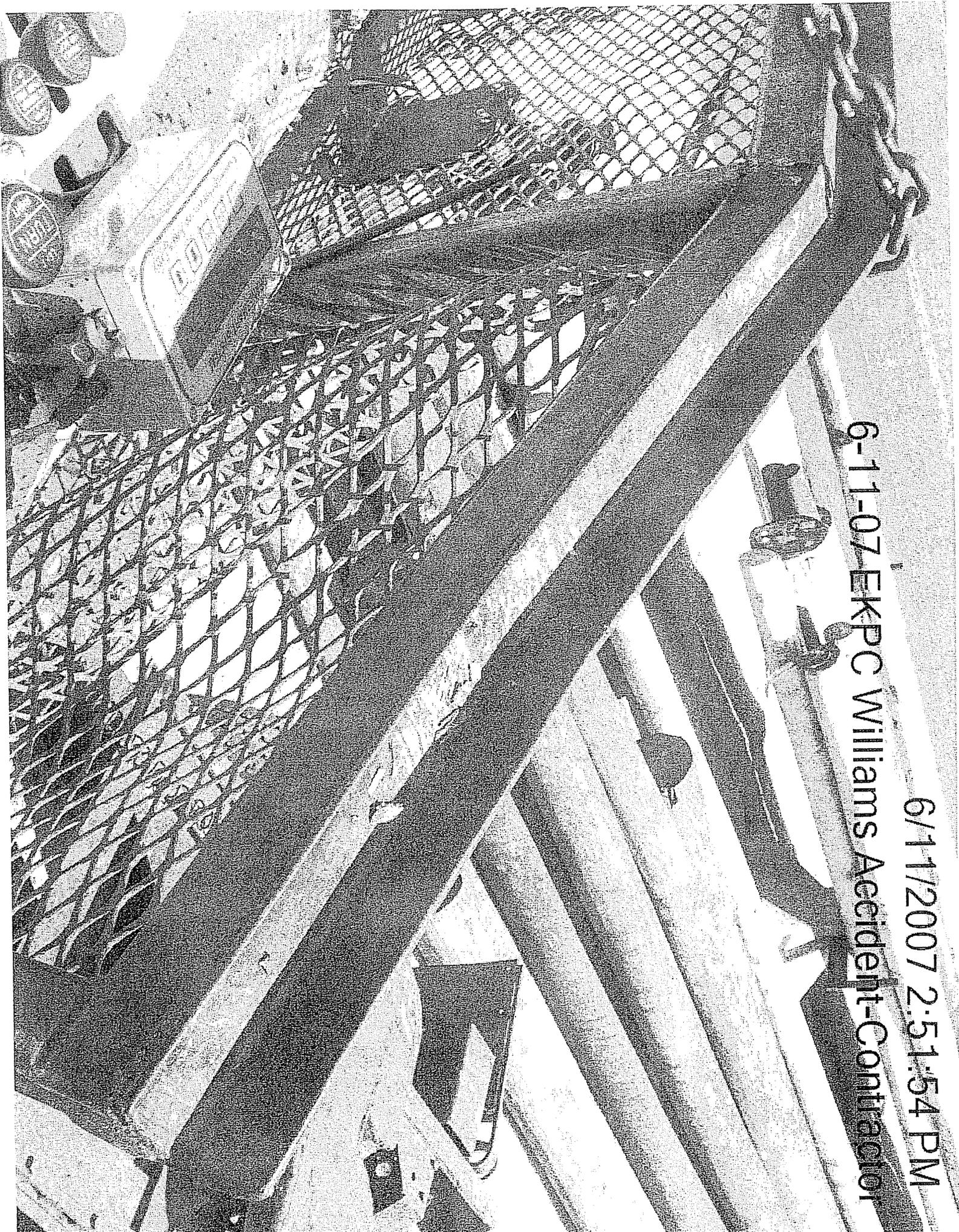
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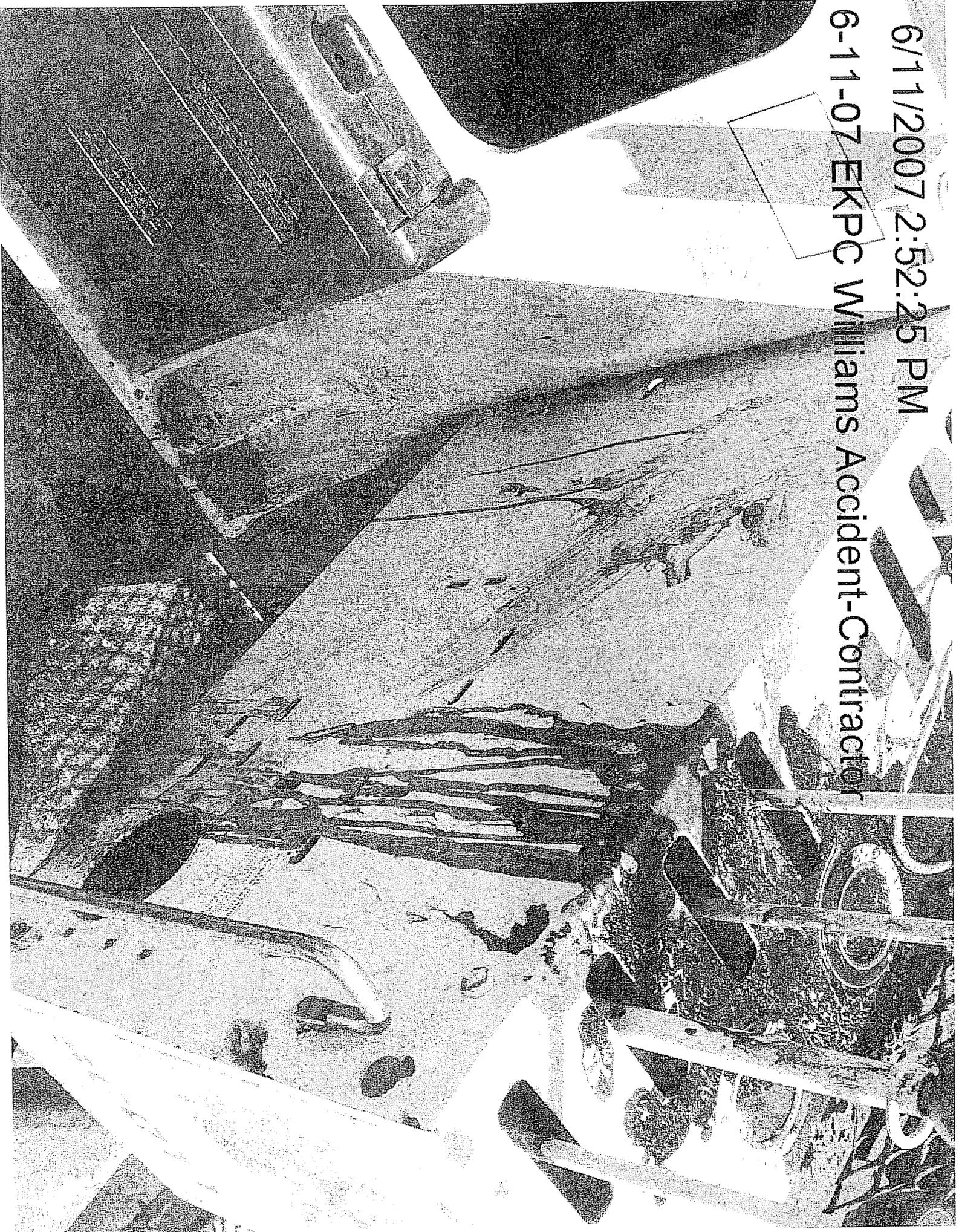
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6-11-07 EKPC Williams Accident-Contractor



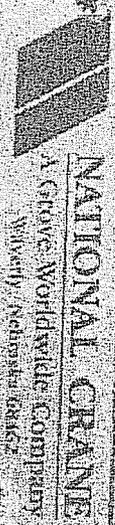
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6-11-07 EKPC Williams Accident-Contractor



2007 2:52:59 PM

07 EKPC Williams Accident/Contributor



A Grove Worldwide Company
Milwaukie, Oregon 97132

MODEL

SERIAL NO.

IMPORTANT

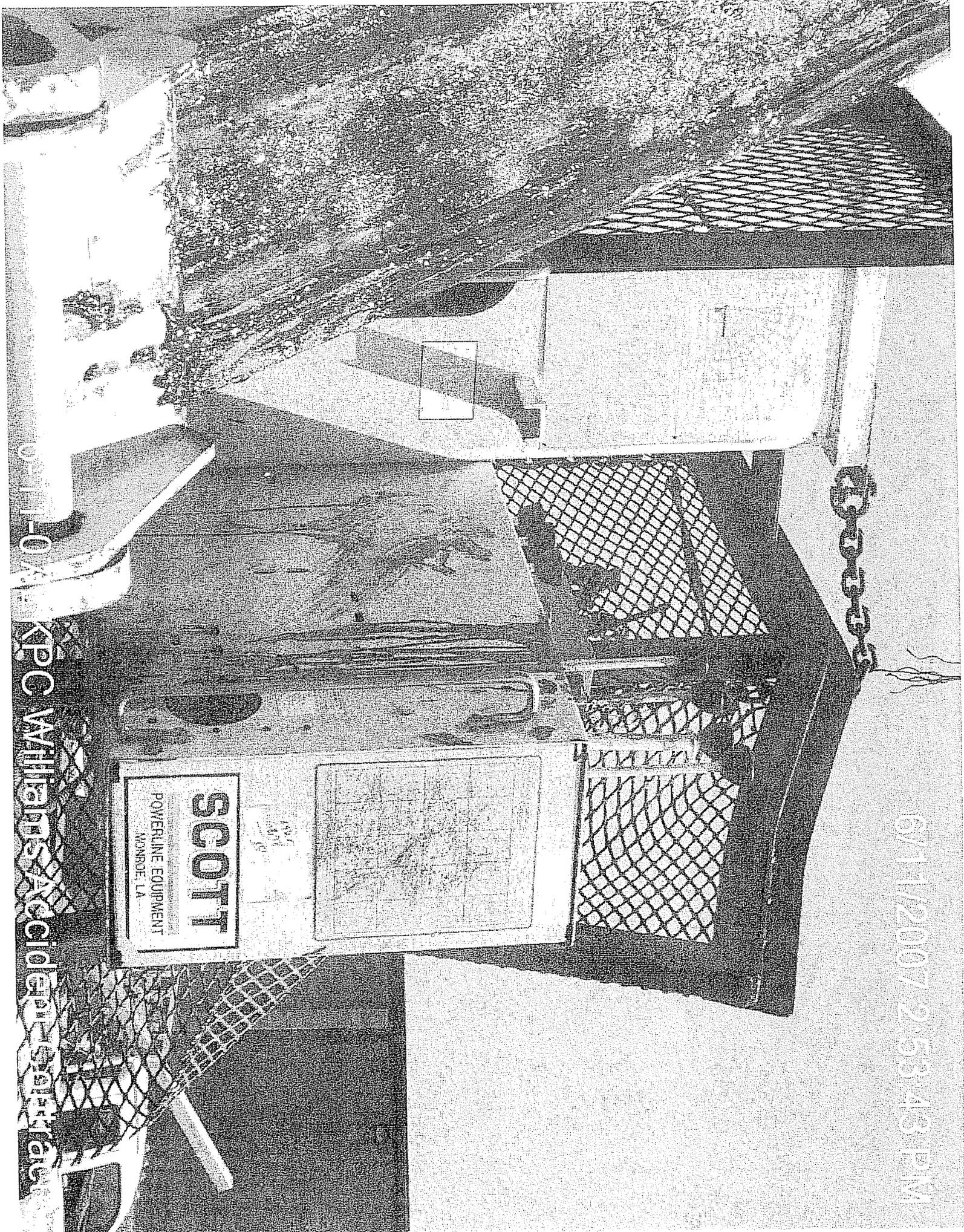
- * Subsequent owner please register your name as the new owner of this crane with National Crane. So that you can be kept abreast of important information.
- * If any operational details or errors on this crane are removed or defaced, consult the current manual for immediate replacement.
- * If the owners manual is not with the crane, order one from the above address.

FAILURE TO OBEY THE FOLLOWING WILL RESULT IN
INSTABILITY OR STRUTTING

Maint
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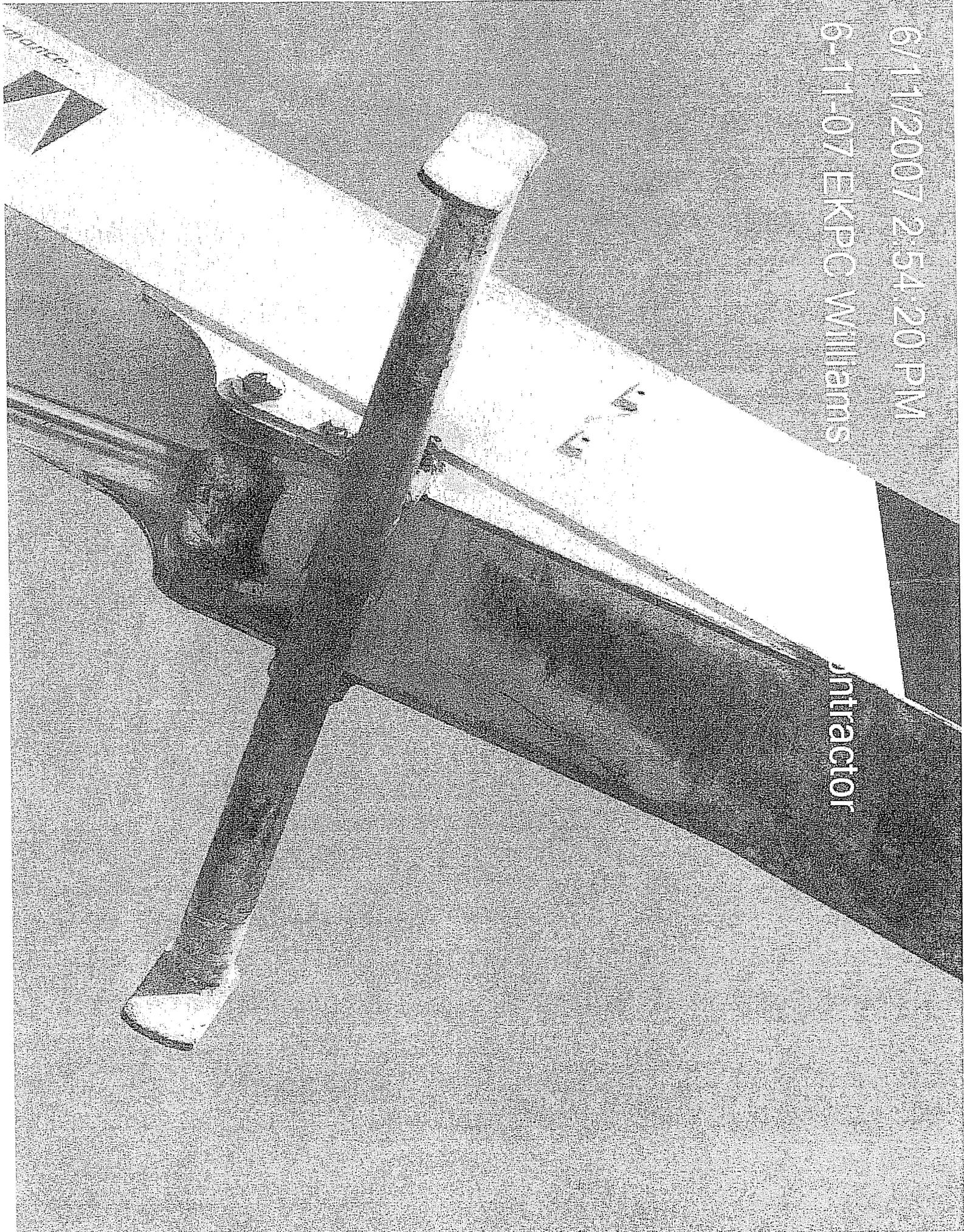


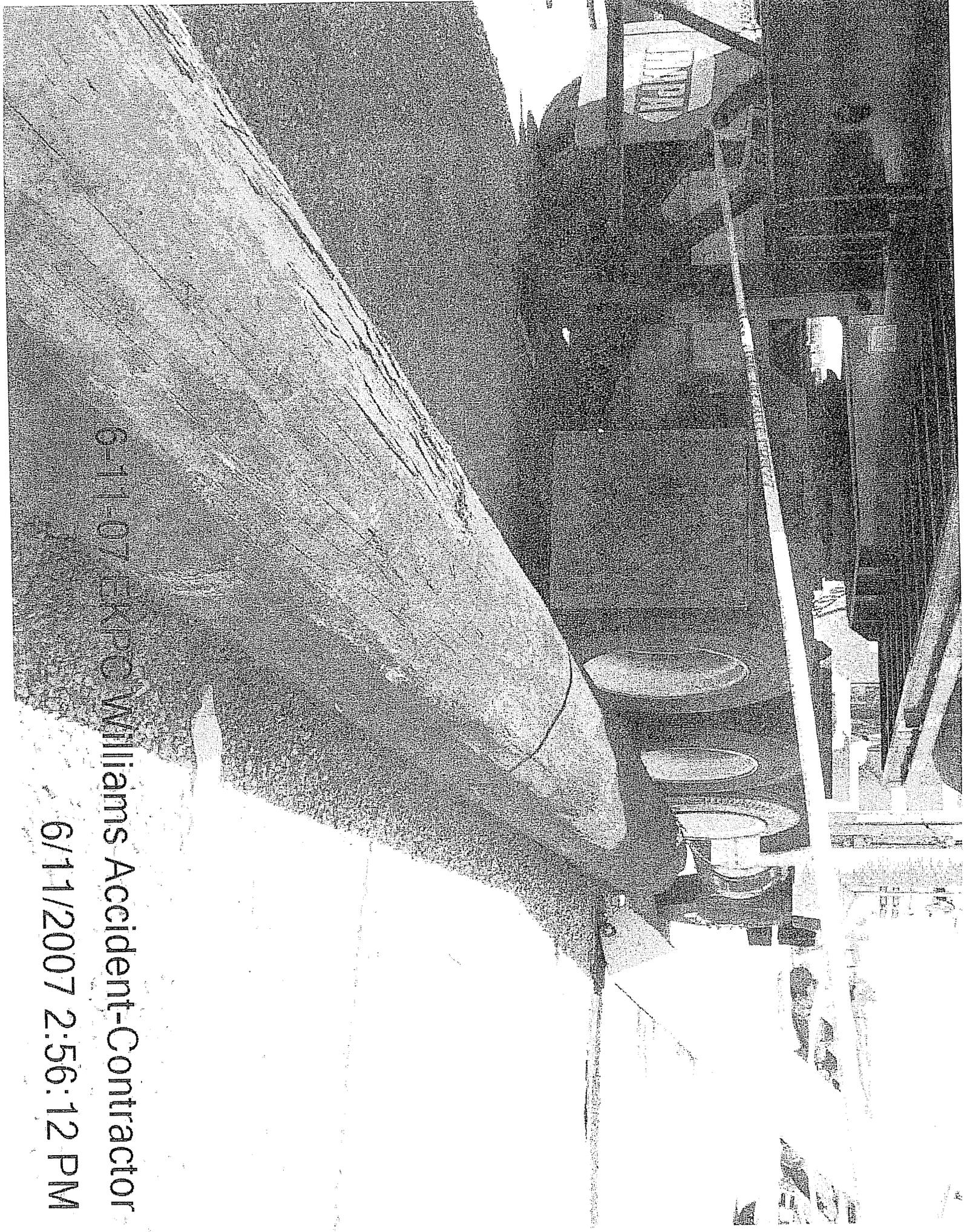
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KPC Williams Accident Site

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6-11-07 EKPC Williams

Contractor





6-11-07 EKPC Williams Accident-Contractor

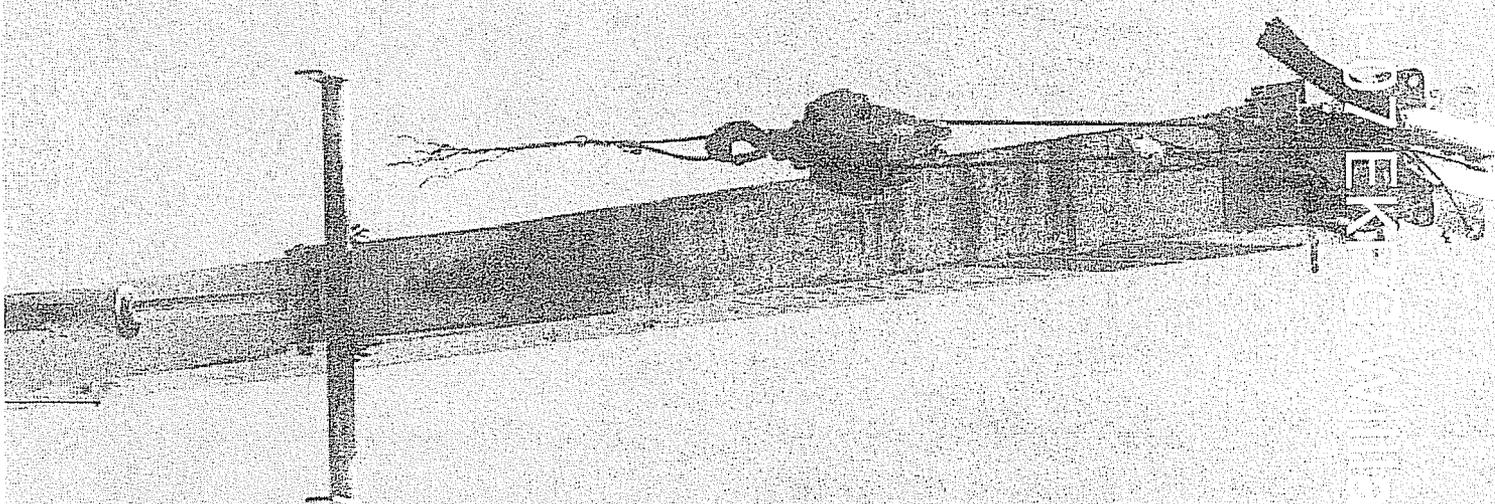
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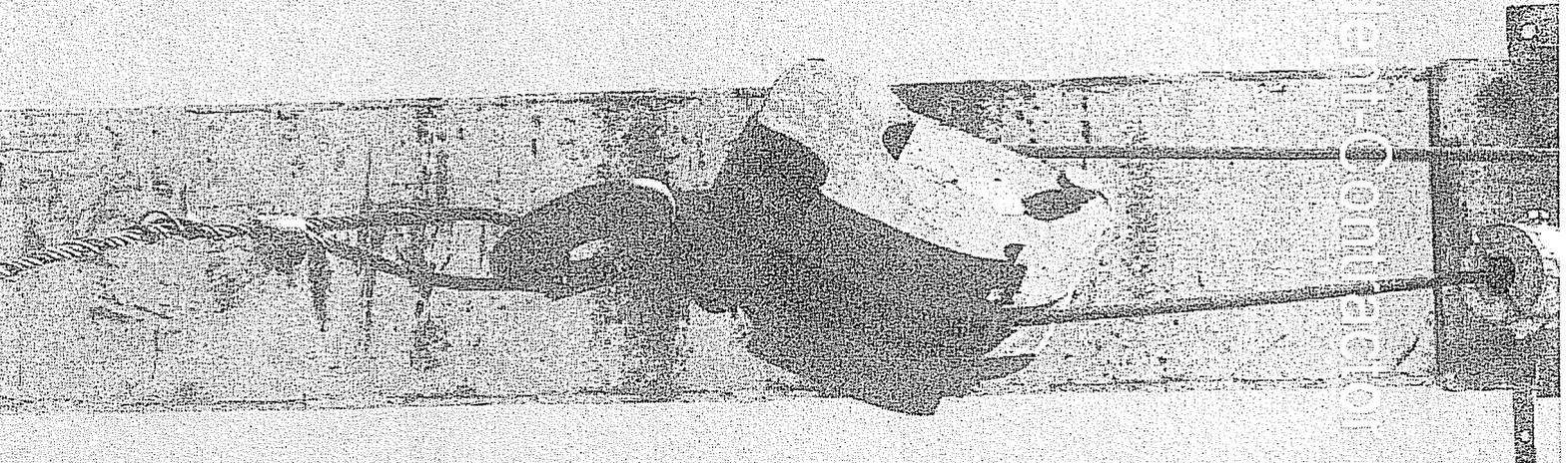
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William's Accident Investigation



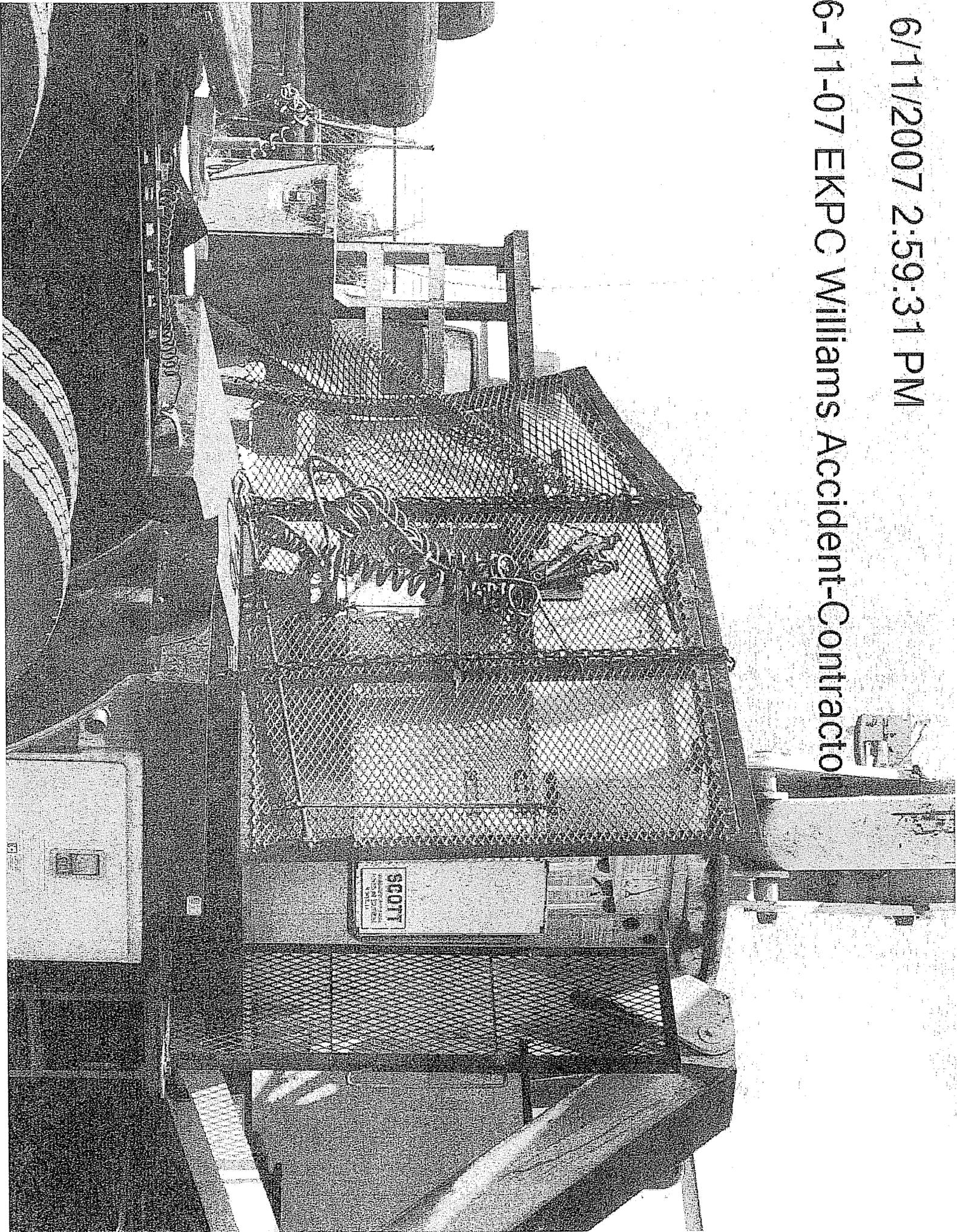
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6411-07/HEKPO-Villikans-Accident-1-0000-0101



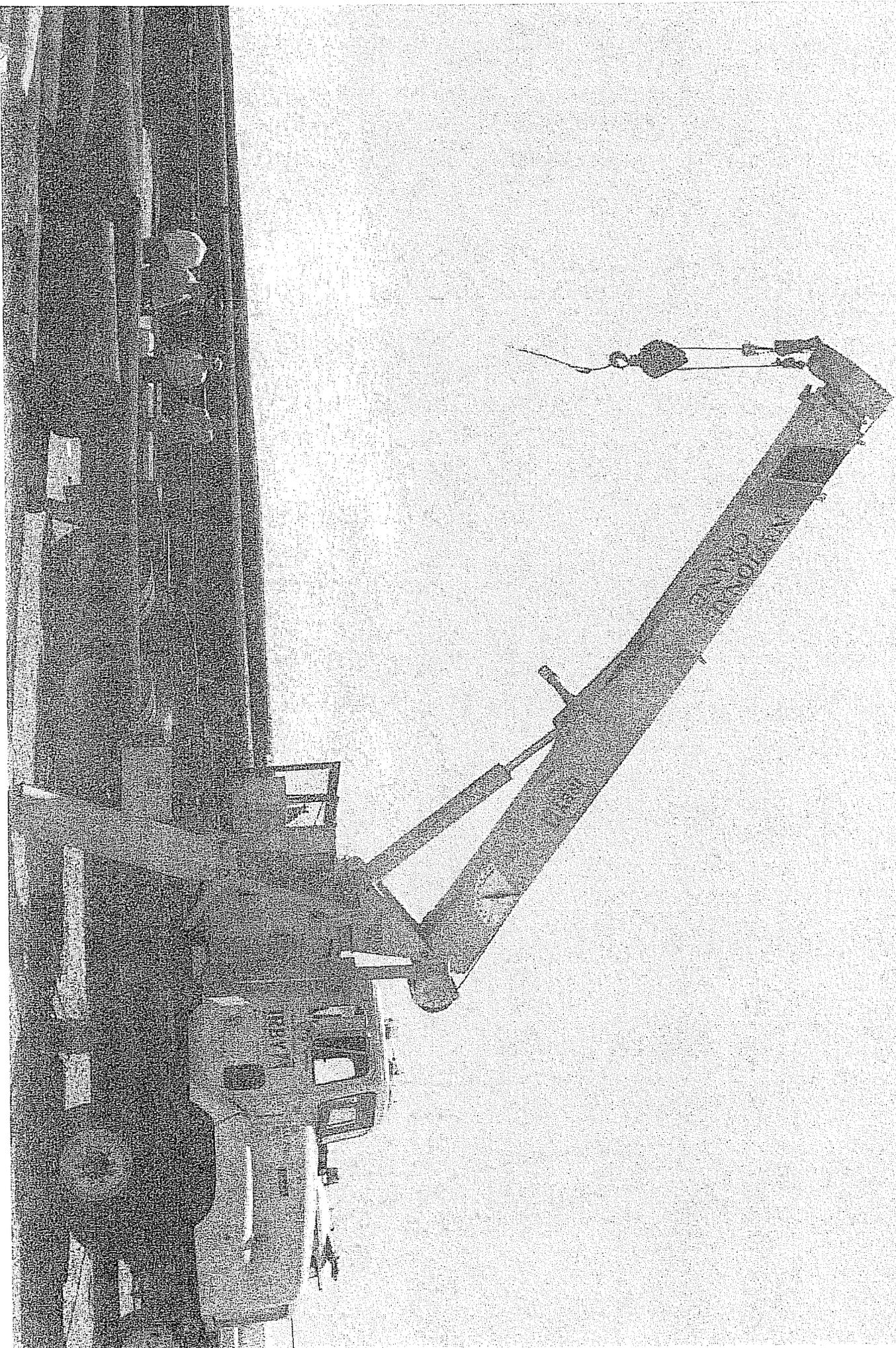
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6-11-07 EKPC Williams Accident-Contracto



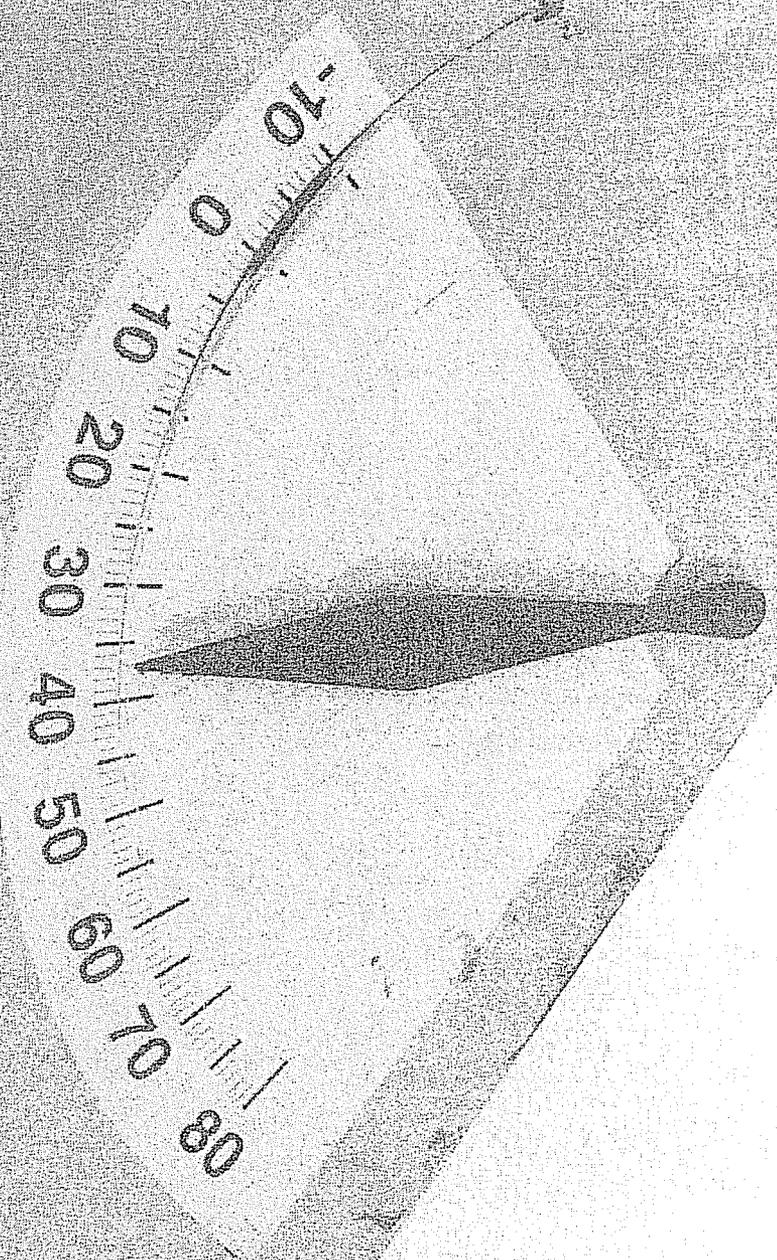
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6-11-07 EKPC Williams Accident-Contractor



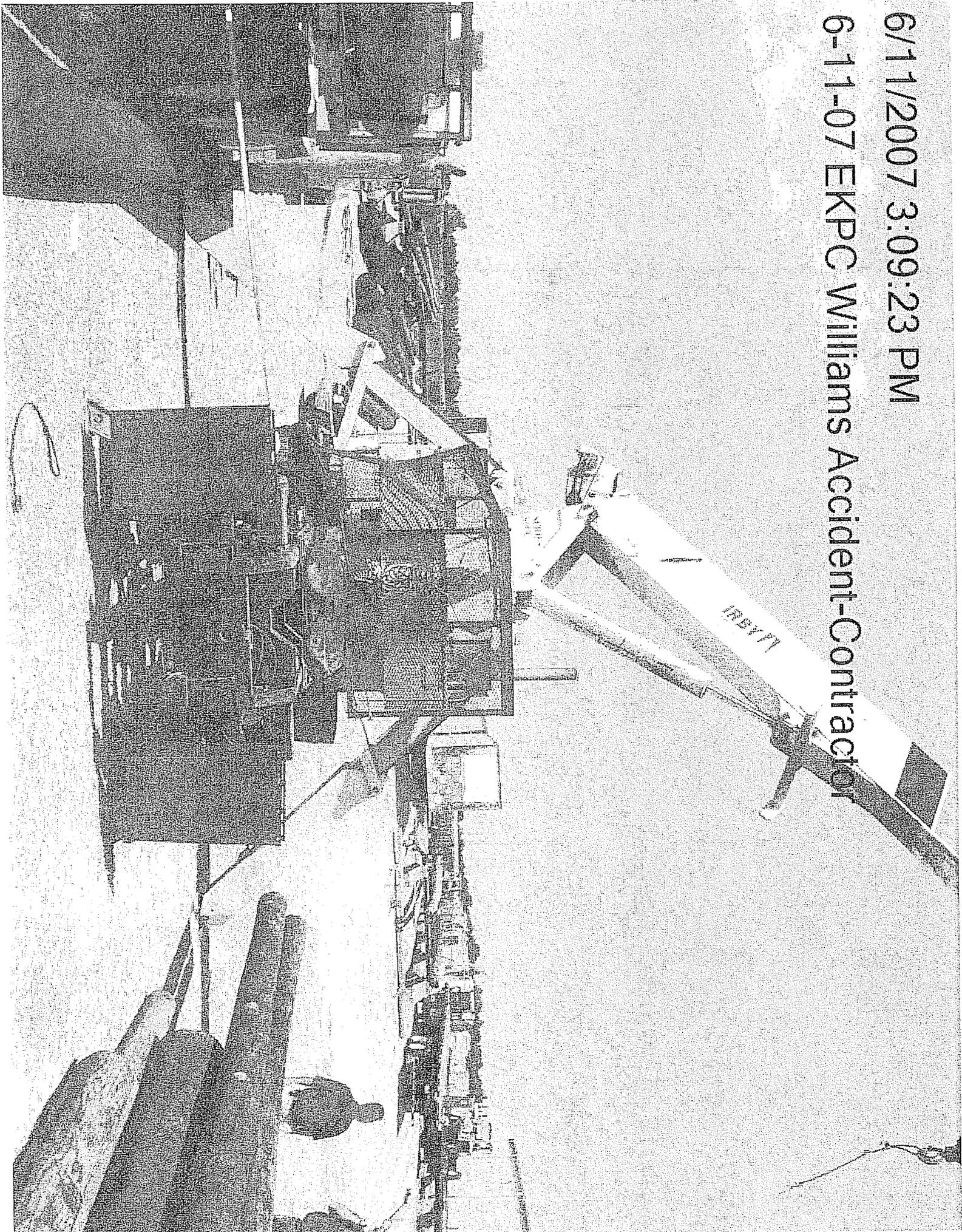
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6-11-07 EKPC Williams Accident-Contractor



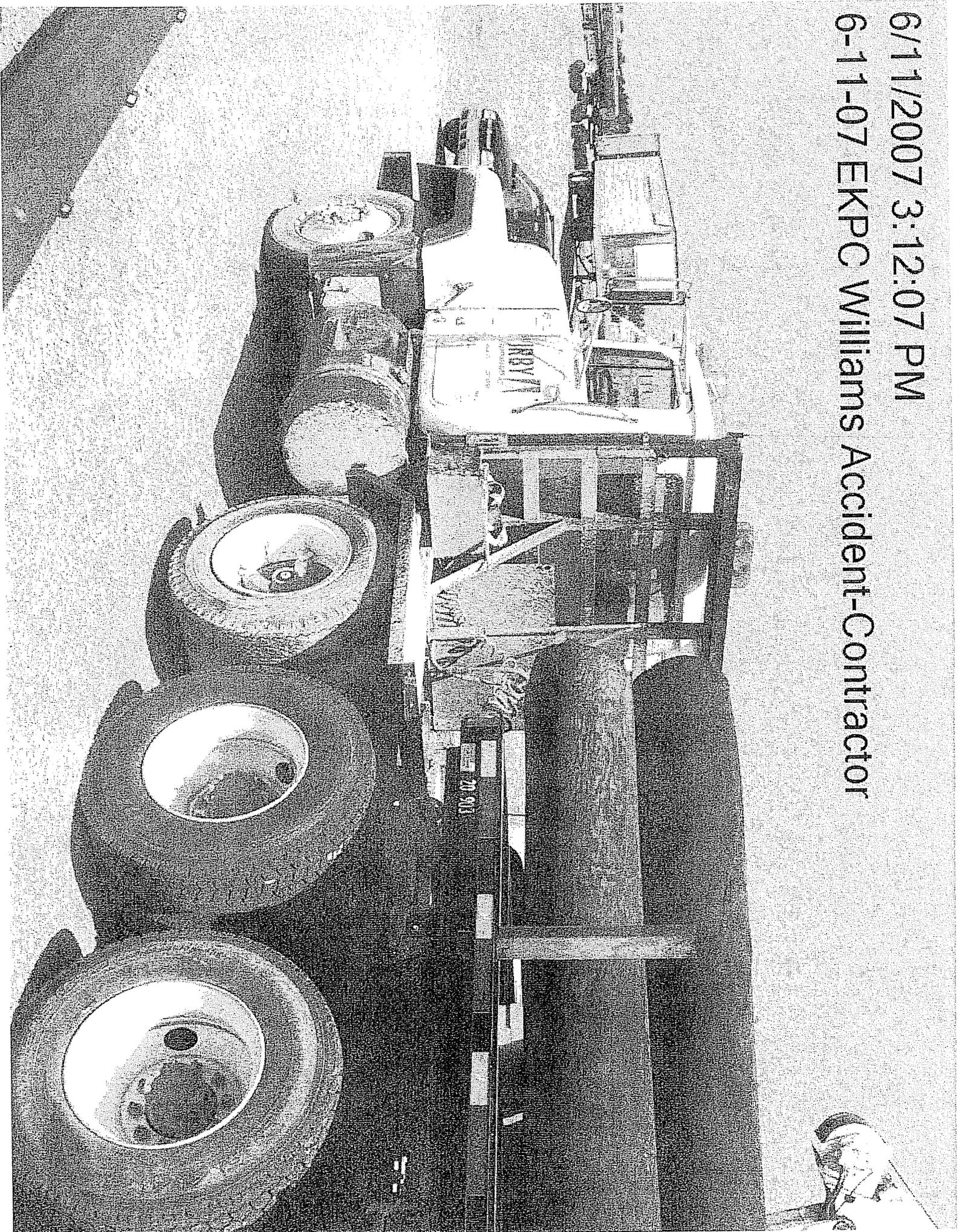
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6-11-07 EKPC Williams Accident-Contractor



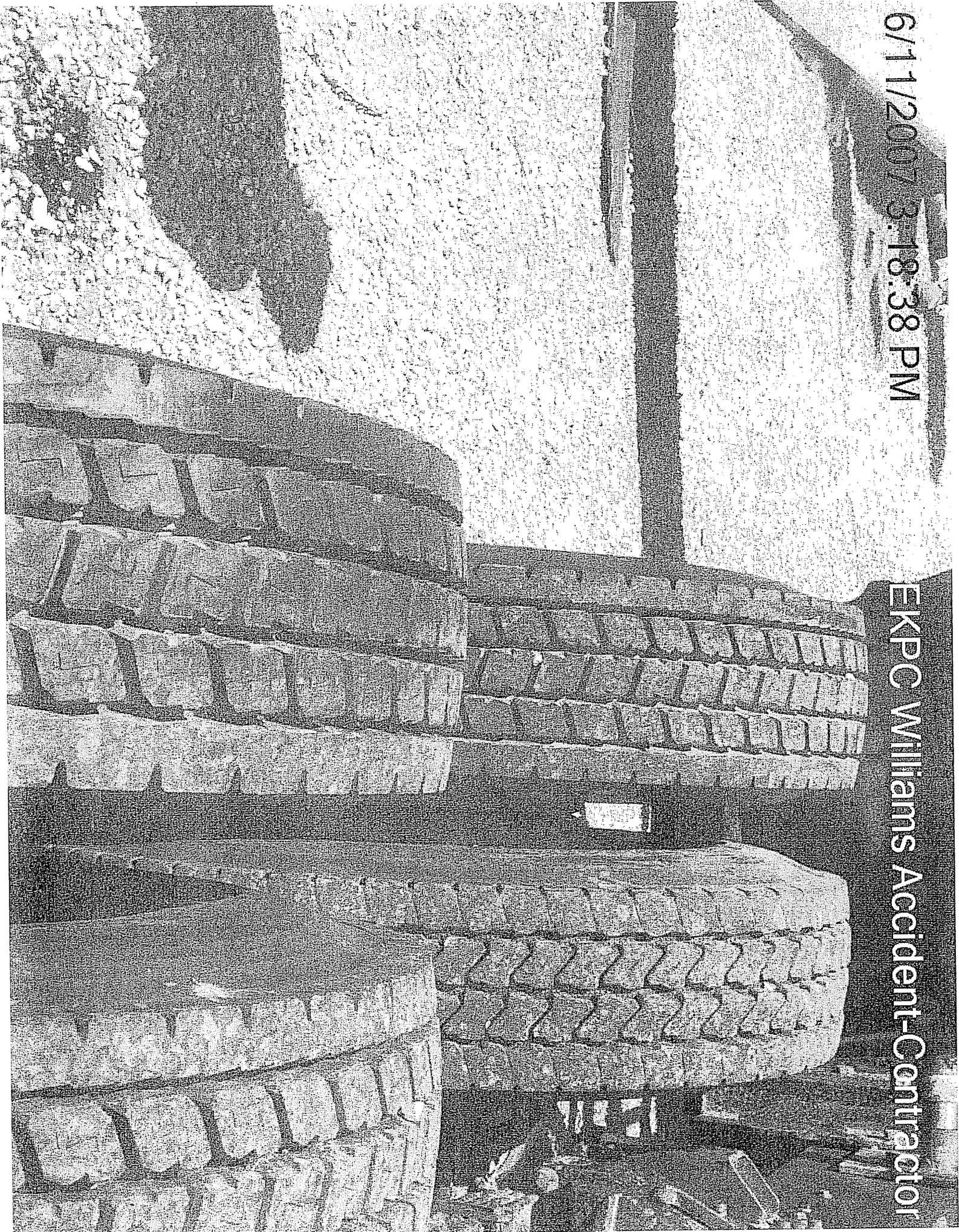
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6-11-07 EKPC Williams Accident-Contractor

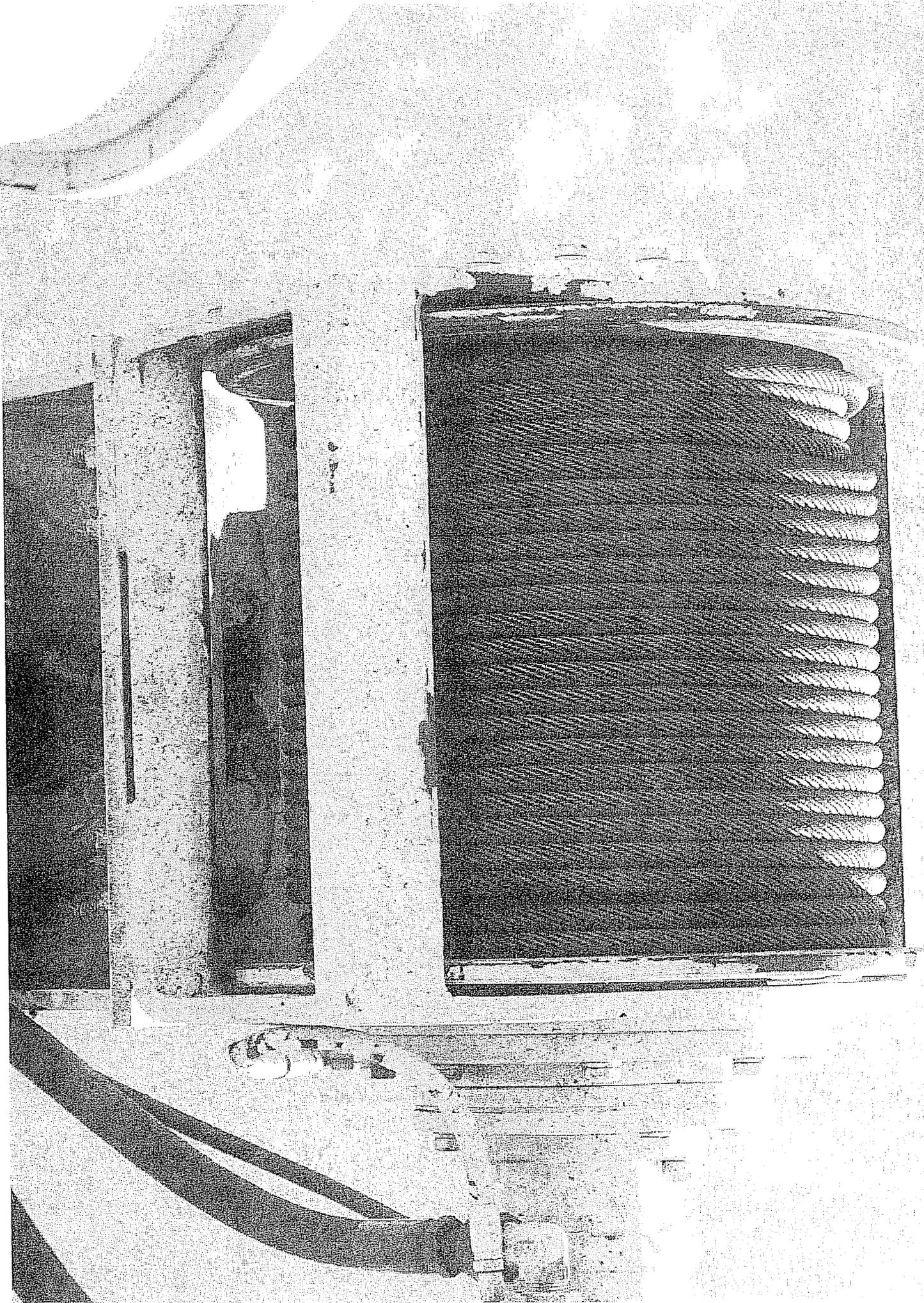


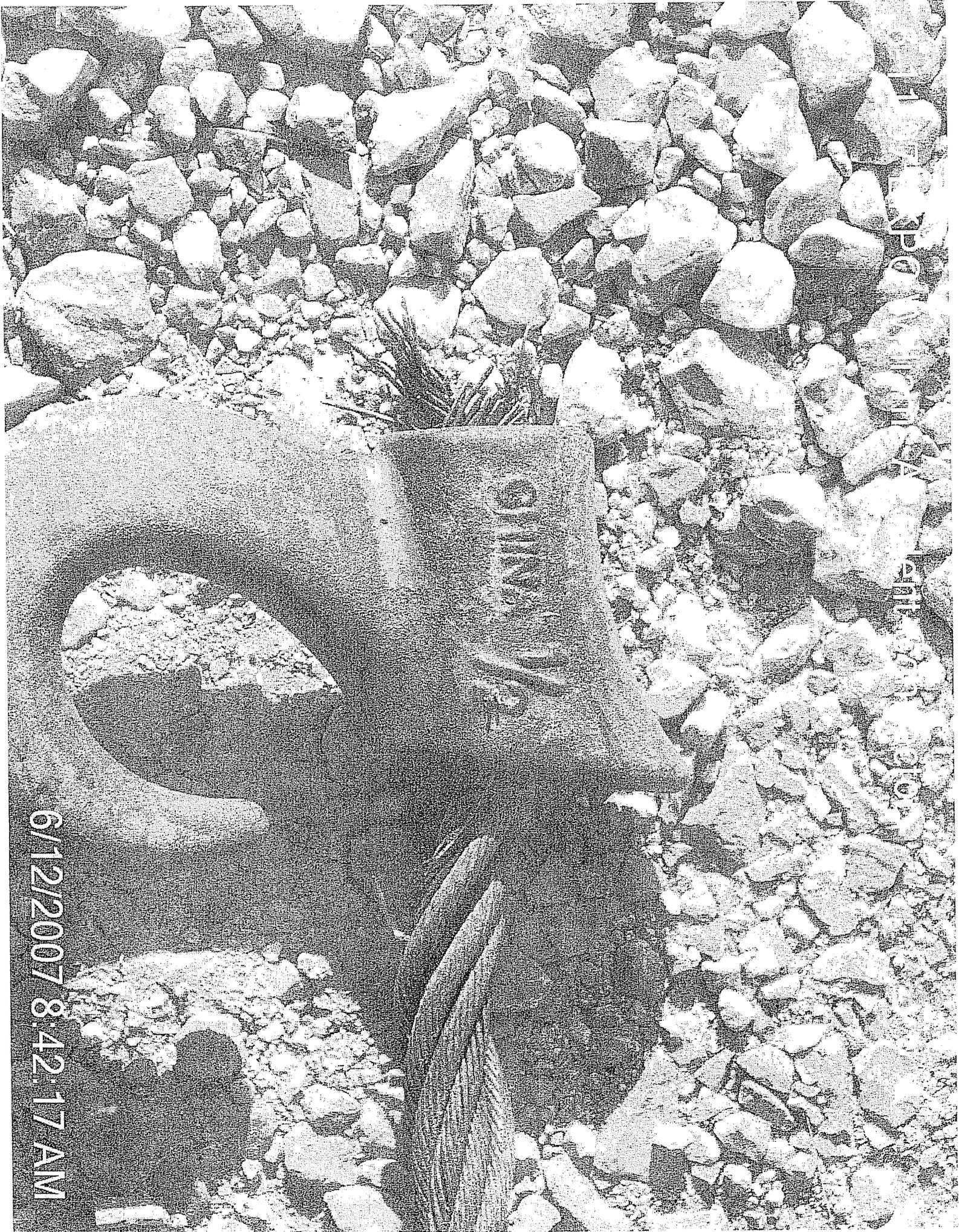
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EKPC Williams Accident-Contractor



6/11/2007 3:24:31 PM 6-11-07 EKPC Williams Accident-Contractor



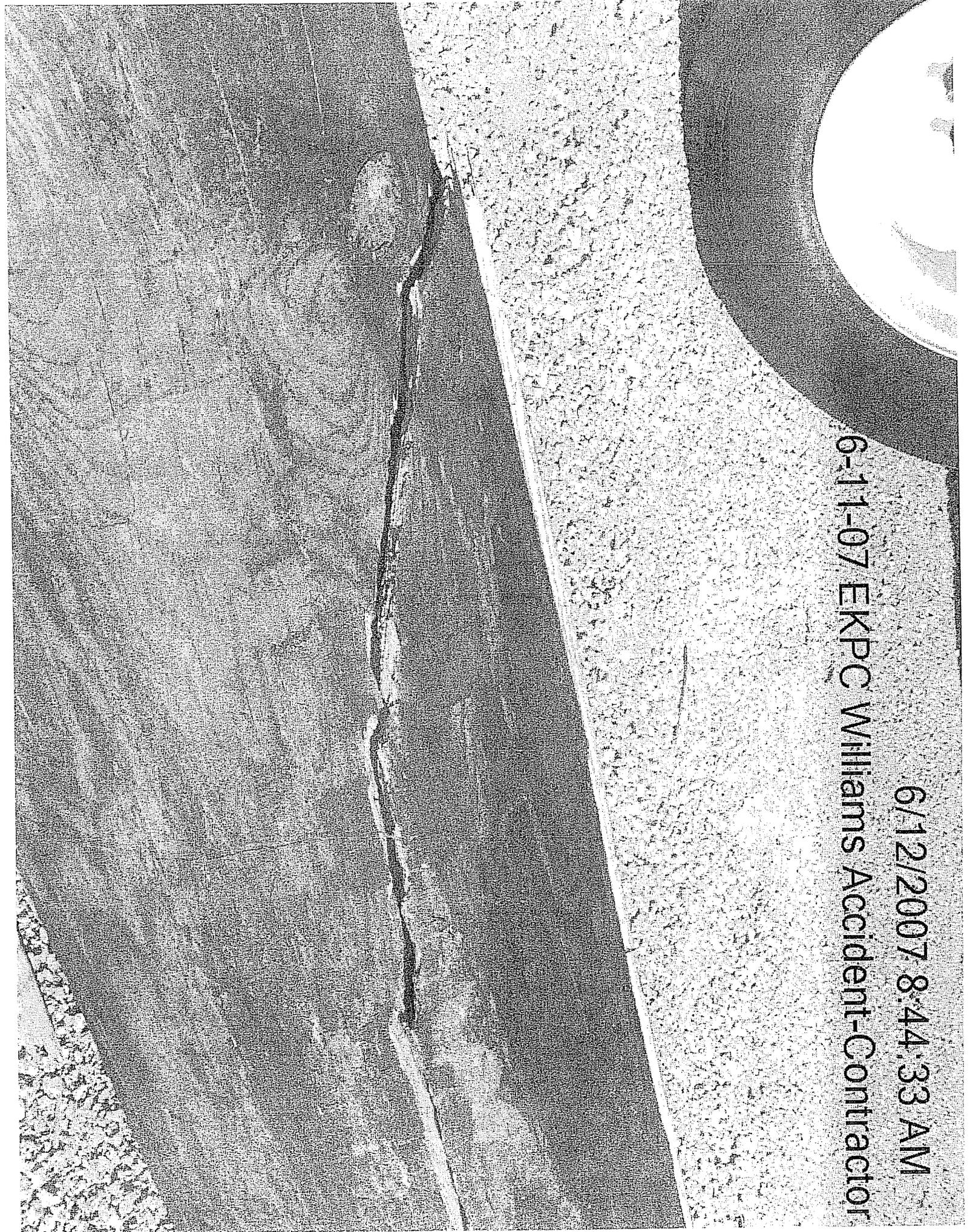


6/12/2007 8:42:17 AM

PHOTOGRAPHED BY
AVIATION PHOTOGRAPHY

6/12/2007 8:44:33 AM

6-11-07 EKPC Williams Accident-Contractor



PAWELCZYNSKI, WOLFF & WARRICK INC.
801-972-4972

DATE

1/2"

V

1

VERTICAL

OFF SET

BASE

SW/STG 1
NOTING

1/22

6/16

1/29

▲ WARNING ▲

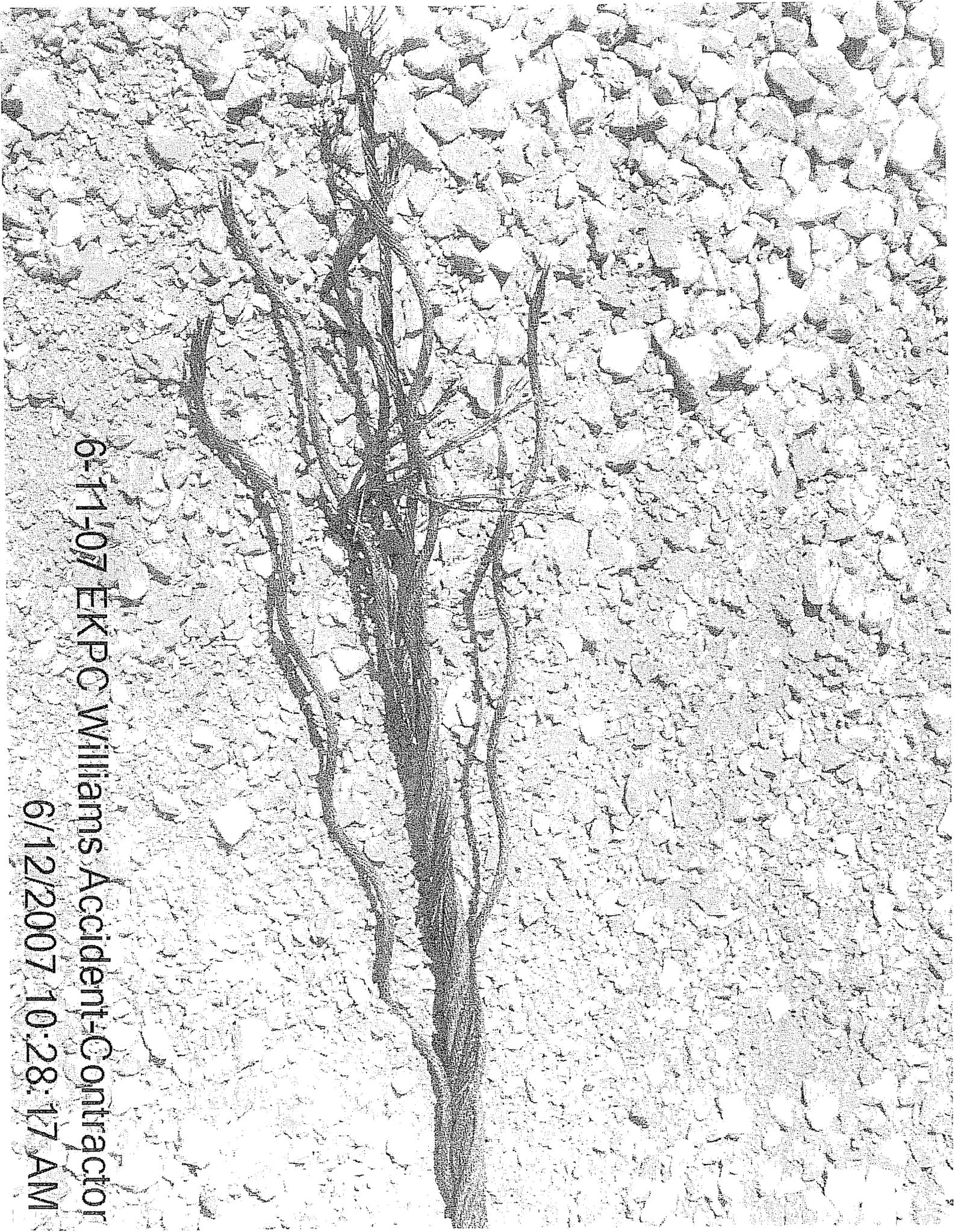
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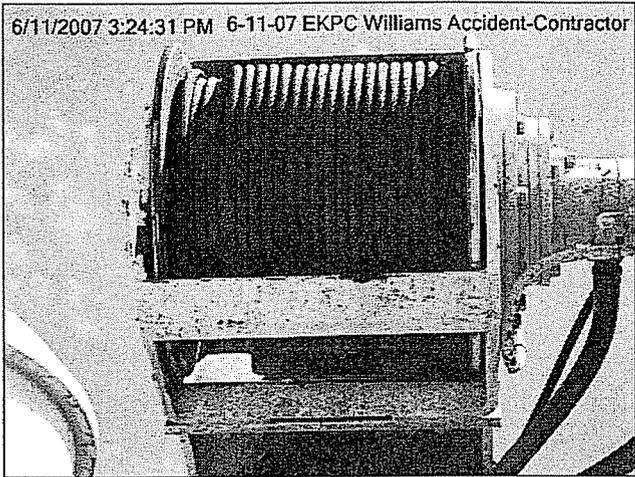
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6-11-07 EKPC Williams Accident-Contractor
6/12/2007 10:28:17 AM

Attachment B

KPSC Photographs of Accident Site



PSC Photographs



PSC Photographs



PSC Photographs



PSC Photographs



PSC Photographs



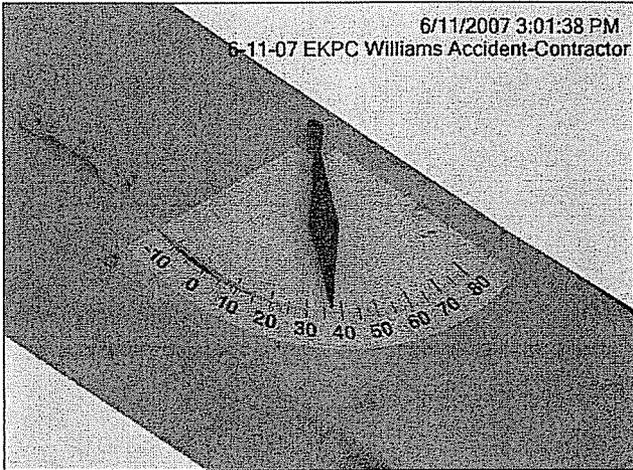
PSC Photographs



PSC Photographs



PSC Photographs



PSC Photographs



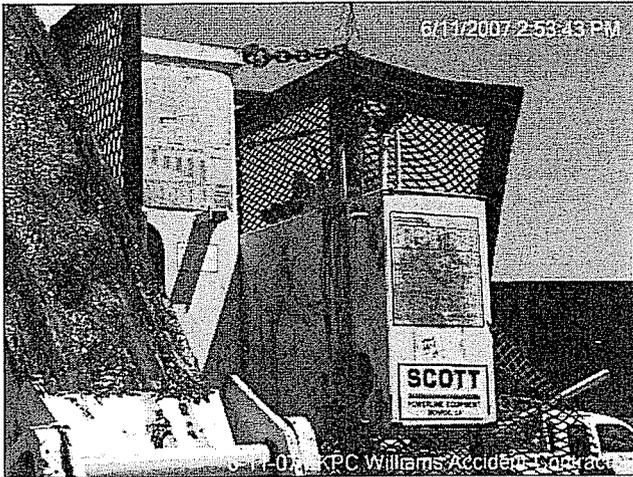
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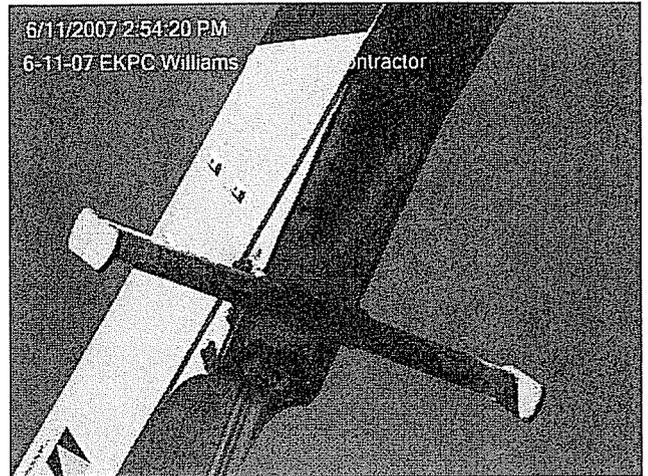
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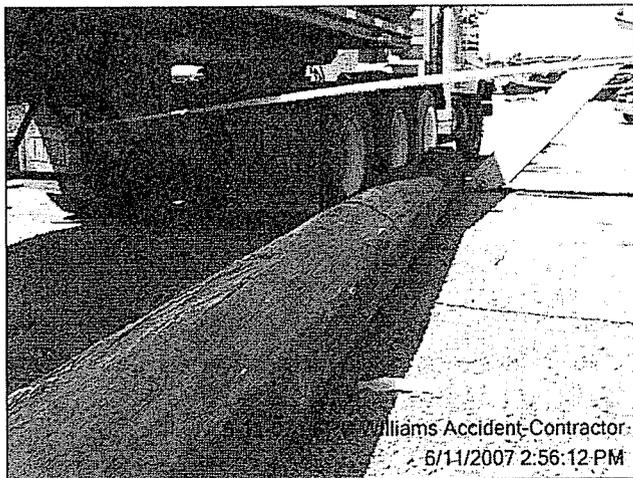
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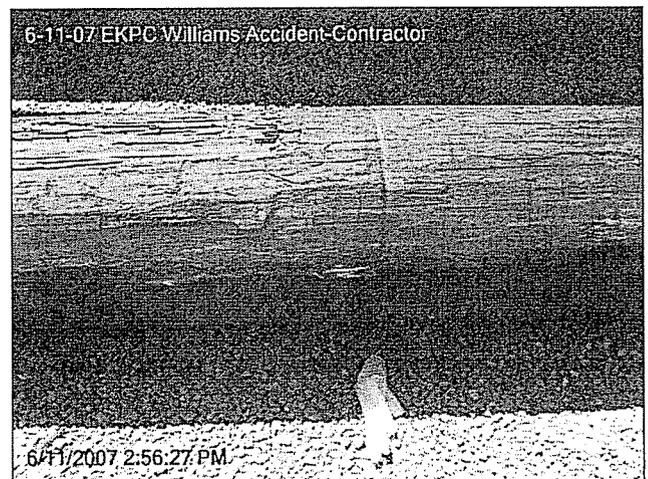
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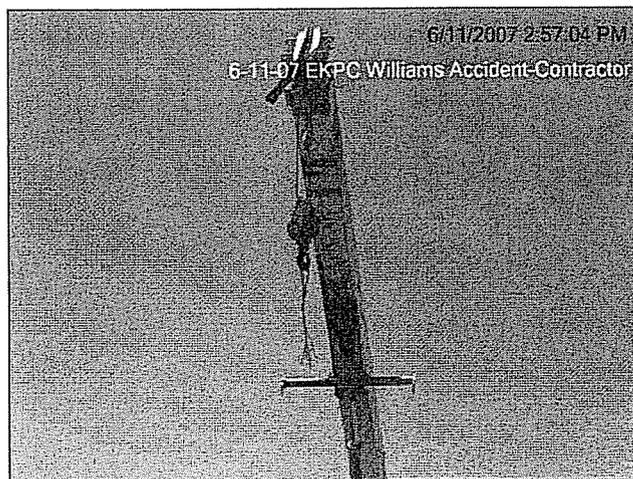
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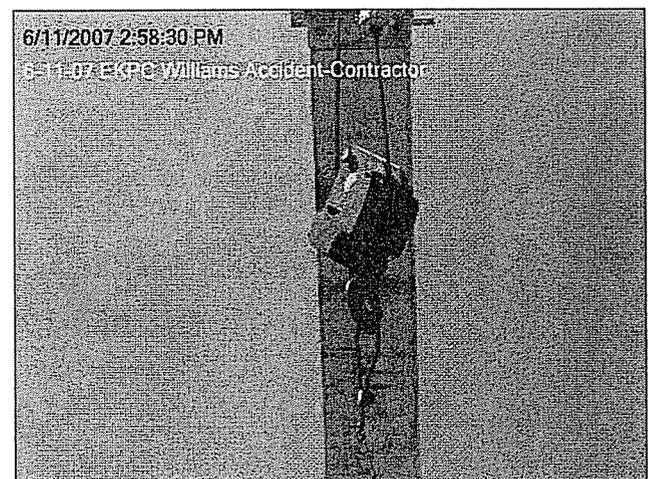
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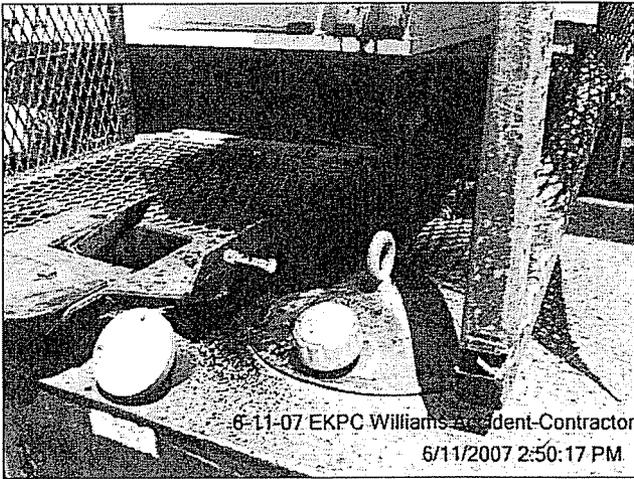
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PSC Photographs



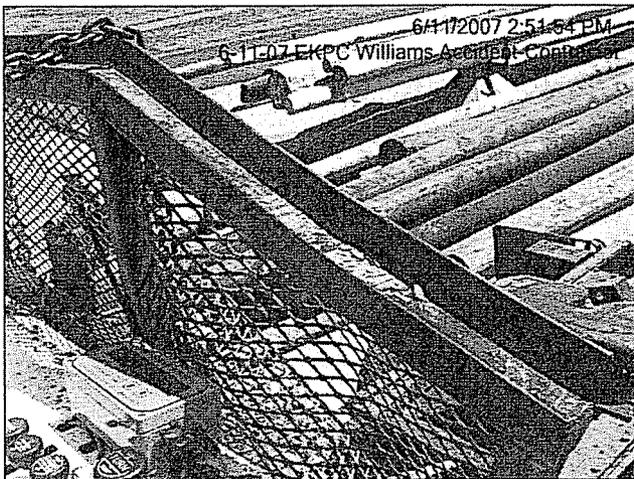
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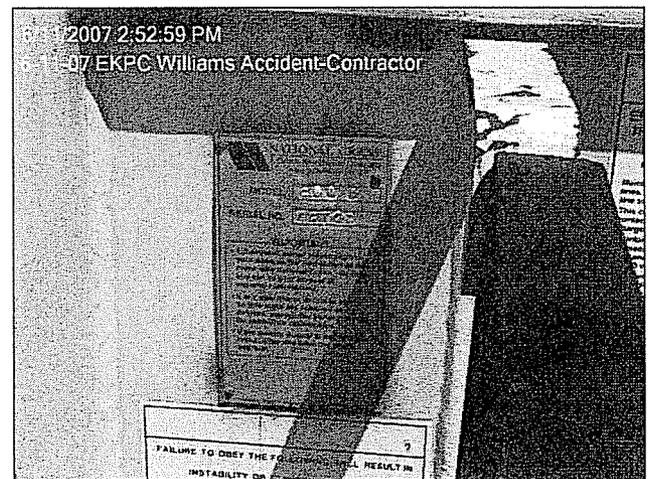
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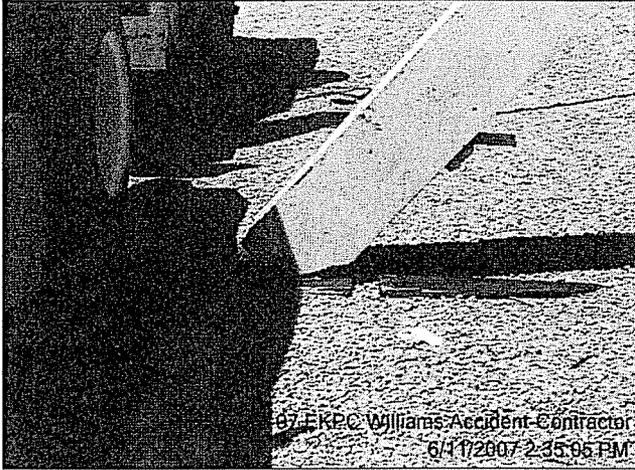
PSC Photographs



PSC Photographs



PSC Photographs



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PSC Photographs



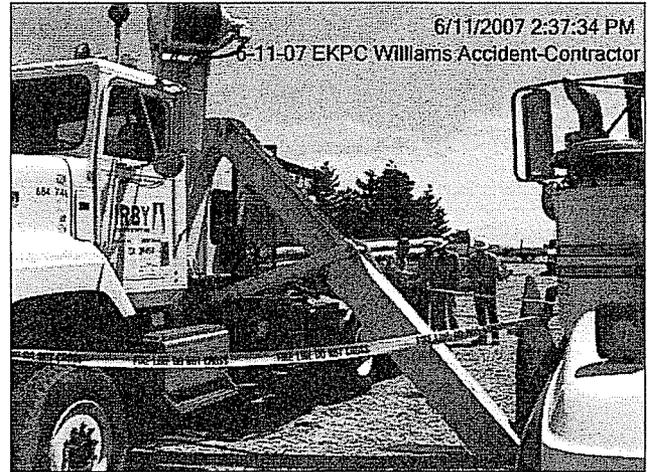
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PSC Photographs



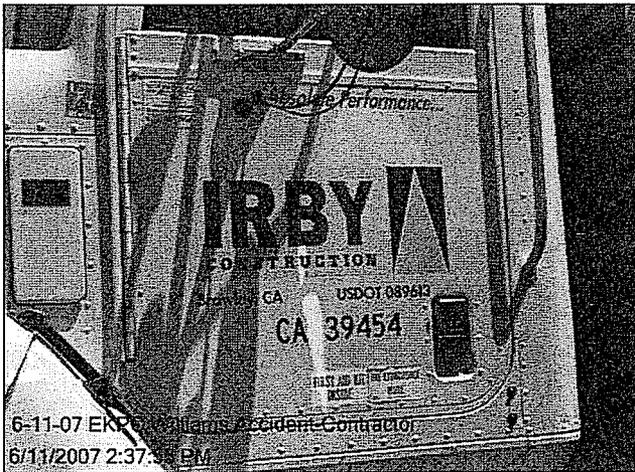
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PSC Photographs



6/11/2007 2:37:34 PM
6-11-07 EKPC Williams Accident-Contractor

PSC Photographs



6-11-07 EKPC Williams Accident-Contractor
6/11/2007 2:37:38 PM

PSC Photographs



6-11-07 EKPC Williams Accident-Contractor

6/11/2007 2:37:01 PM

PSC Photographs



PSC Photographs



PSC Photographs



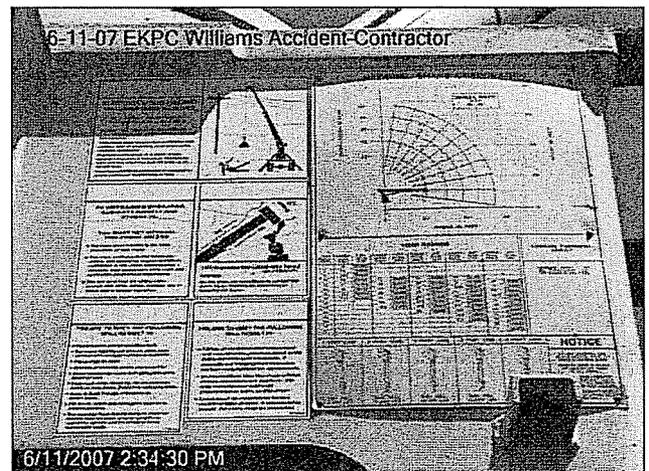
PSC Photographs



PSC Photographs



PSC Photographs



PSC Photographs

Attachment C

Text of Cited Violations

421. General Operating Routines

A. Duties of a First-Level Supervisor or Person in Charge

This individual shall:

1. Adopt such precautions as are within the individual's authority to prevent accidents.
2. See that the safety rules and operating procedures are observed by the employees under the direction of this individual.
3. Make all the necessary records and reports, as required.
4. Prevent unauthorized persons from approaching places where work is being done, as far as practical.
5. Prohibit the use of tools or devices unsuited to the work at hand or that have not been tested or inspected as required.